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No. 48]

NEW DELHI, SATURDAY, NOVEMBER 27, 1993/AGRAHAYANA 6, 1915

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II) PART II—Section 3—Sub-Section (II)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministry of the Government of India other than
Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 10 नवम्बर, 1993

आदेश

का.भा.2525—केंद्रीय सरकार दिल्ली विशेष पुलिस स्थापन अधिनियम 1946(1946 का 25) की धारा के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए आंध्र प्रदेश राज्य सरकार की सहमति से, जो गृह (एम.पी.ए.) विभाग जी.ओ.आर.टी. सं. 1964 तारीख 21 जुलाई 1994 द्वारा की गई थी, पुलिस शांति सेदाबाद, हैदराबाद के अपराध सं. 9/93 में नीचे उपर्युक्त सुमंगत अधिनियम के उपबंधों के अधीन वंडनीय अपराधों और उक्त अपराधों तथा बीजे ही या उम्मी या उनसे संबंधित तथ्यों से उत्पन्न होने वाले संश्लेषण के अनुक्रम में किये गये किन्हीं अन्य अपराधों के संबंध में या उनसे संगत प्रश्नों, पुष्टीकरणों और दृष्टिकोणों के अन्वेषण के लिये, जो निम्नलिखित प्राइवेट व्यक्ति द्वारा किये गये अभिकथित हैं दिल्ली विशेष पुलिस स्थापन के सक्षमों की शक्तियां और अधिकारिता का विस्तार संपूर्ण आंध्र प्रदेश राज्य पर करती है।

विधि की धाराएं

भारतीय दंड संहिता, 1860
(1860 का अधिनियम सं. 45)
की धारा 420, 468 और 471 के
अधीन।

अभियुक्त का नाम

नाशाद परबतानी, पुत्र इस्माइल भाई
परबतानी, मकान सं. 4-1-991/
974 बी-9, 9वां मल, युथान
अपार्टमेंट, अविदम, हैदराबाद और
अल्प।

[संख्या 228/74/93-ए.पी.डी.-2]

आर.एस. बिष्ट, प्रवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 10th November, 1993

ORDER

S.O. 2525.—In exercise of the powers conferred by sub-section (i) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Andhra Pradesh vide Home (SC-A) Department

G.O. Rt. No. 1964 dated 21-7-1993, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Andhra Pradesh for investigation of the offences in Case in Crime No. 9/93 of Police Station Saidabad, Hyderabad and attempts, abetments and conspiracy in relation to or in connection with the said offence(s) and any other offence(s) committed in the course of the same transaction and/or arising out of the same or related facts, punishable under the provisions of relevant Act indicated below alleged to have been committed by the following private person :

Section of Law	Name of the Accused
Under Sections 420, 468, 471 of Indian Penal Code, 1860 (Act No. 45 of 1860).	Naushad Parbatani S/o Ismail Bhai Parbatani, H. No. 4-1-991/974, B-9, 09th Floor Yuwan Apartments, Abids, Hyderabad and Others.

[No. 228/74/93, AVD. II]

R.S. BISHT, Under Secy.

Act, 1961 (43 of 1961), the Central Government hereby notifies "The Bombay Salesian Society Bombay" for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely:—

- the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9368/F. No. 197/77/93-IT-A-I]

SHARAT CHANDRA, Under Secy.

वित्त मंत्रालय
(राजस्व विभाग)
नई दिल्ली, 9 सितम्बर, 1993
(आय-कर)

का.आ. 2526—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "दि बंबई सेलेसियन सोसायटी बम्बई" को कर-निष्पारण वर्ष 1993-94 से 1995-96 तक के लिये निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- कर-निष्पारिणी इसकी आय का हस्तेमाल प्रथवा इसकी आय का हस्तेमाल करने के लिये इसका संवयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिये करेगा जिनके लिये इसकी स्थापना की गई है;
- कर-निष्पारिणी ऊपर-उल्लिखित कर-निष्पारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक तंग अथवा तरकों से भिन्न तरीकों से इसकी निधि (जैसे-जवाहिरात, फर्नीचर, आदि के रूप में प्राप्त तथा रख-रखाव में स्वेच्छिक अंगदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार में प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसी कारोबार उक्त कर-निष्पारिणी के उद्देश्यों की प्राप्ति के लिये प्रासंगिक नहीं हो तथा ऐसी कारोबार के संबंध में भलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9368/का.सं. 197/77/93-आयकर (नि.-1)]

शरत चन्द्र, अधर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 9th September, 1993

(INCOME-TAX)

S.O. 2526.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax

नई दिल्ली, 23 सितम्बर, 1993

(आय-कर)

का.आ. 2527—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "दि लेट एरवाद डी. बी. मेहतास जोरोस्ट्रियन अंजुमन आताश आदरान, कलकत्ता" को कर-निष्पारण वर्ष 1993-94 से 1995-96 तक के लिये निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- कर-निष्पारिणी इसकी आय का हस्तेमाल प्रथवा इसकी आय का हस्तेमाल करने के लिये इसका संवयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिये करेगा, जिनके लिये इसकी स्थापना की गई है;
- कर-निष्पारिणी ऊपर उल्लिखित कर-निष्पारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक तंग अथवा तरकों से भिन्न तरीकों से इसकी निधि (जैसे-जवाहिरात, फर्नीचर, आदि के रूप में प्राप्त तथा रख-रखाव में स्वेच्छिक अंगदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार में प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसी कारोबार उक्त कर-निष्पारिणी के उद्देश्यों की प्राप्ति के लिये प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में भलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9375/का.सं. 197/138/93-आयकर नि.-1]

शरत चन्द्र, अधर सचिव

New Delhi, the 23rd September, 1993

(INCOME-TAX)

S.O. 2527.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Late Ervad D. B. Mehta's Zoroastrian Anjuman Atash Adaran, Calcutta" for the purpose of the said

sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (3) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9375/F. No. 197/138/93-ITA-I]

SHARAT CHANDRA, Under Secy.

(सांख्यिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 26 अक्टूबर, 1993

का.आ. 2528.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 19 की उपधारा (2) के उपबंध, युनाइटेड बैंक आफ इण्डिया पर 31 मार्च, 1995 तक उस सीमा तक लागू नहीं होंगे, जहां तक उनका संबंध गिरसीदार के रूप में मैसर्स भारत शीट मेटल इंडस्ट्रिज, लि. की प्रदत्त शेयरों की उनके धारिता से है।

[सं. 15/8/87-बी.ओ.-III]

के.के. मंगल, अधर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 26th October, 1993

S.O. 2528.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government, on the recommendations of the Reserve Bank of India hereby declares that the provisions of sub-section (2) of Section 19 of the said Act shall not apply to United Bank of India, Calcutta, for a period upto 31st May, 1995 in so far as they relate to its holding of the shares of M/s. Bharat Sheet Metal Industries Ltd. as pledgee.

[No. 15/8/87-B.O.III]

K. K. MANGAL, Under Secy.

नई दिल्ली, 28 अक्टूबर, 1993

का.आ. 2529.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 31 के उपबंध बनारस स्टेट बैंक लि. पर 31 अक्टूबर, 1993 तक उस सीमा तक लागू नहीं होंगे जहां तक इस बैंक से धितार्क 31 मार्च, 1993 तक की स्थिति के अनुसार, लेखा परीक्षक को रिपोर्ट सहित लेखाओं और तुलनपत्र को निर्धारित रूप से प्रकाशित करने और उसकी ताल प्रतियां भारतीय रिजर्व बैंक को 30 सितम्बर, 1993 तक को बड़ाई हुई प्रतियों के अन्दर-अन्दर विवरणियों के रूप में प्रस्तुत करने की अपेक्षा की जाती है।

[सं. 15/7/93-बी.ओ.ए.]

के.के. मंगल, अधर सचिव

New Delhi, the 28th October, 1993

S.O. 2529.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government, on the recommendation of the Reserve Bank of India hereby declares that the provisions of Section 31 of the said Act, shall not apply to the Benares State Bank Ltd. upto 31st October, 1993 in so far as it is required to publish the accounts and balance sheet as at 31st March, 1993 together with auditors' report in the prescribed manner and submit three copies thereof as returns to the Reserve Bank of India within the extended period upto 30th September, 1993.

[No. 15/7/93-BOA]

K. K. MANGAL, Under Secy.

नई दिल्ली, 29 अक्टूबर, 1993

का.आ. 2530.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 19 की उपधारा (2) के उपबंध, बैंक आफ बड़ोदा पर 15 अगस्त, 1995 तक उस सीमा तक लागू नहीं होंगे। जहां तक उनका संबंध नैनीताल बैंक लि. और बरेली कॉर्पोरेशन बैंक लि. का प्रदत्त शेयरों की उसके धारिता से है।

[सं. 15/8/89-बी.ओ.-III]

के.के. मंगल, अधर सचिव

New Delhi, the 29th October, 1993

S.O. 2530.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government, on the recommendation of the Reserve Bank of India hereby declares that the provisions of sub-section (2) of Section 19 of the said Act shall not apply to Bank of Baroda upto 15th August, 1995 in so far as they relate to its holding shares in the Nainital Bank Limited and also in the Bareilly Corporation Bank Limited.

[No. 15/8/89-B.O.III]

K. K. MANGAL, Under Secy.

नई दिल्ली, 2 नवम्बर, 1993

का.आ. 2531.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 9 के उपबंध कर्नाटक बैंक लि. पर, कर्नाटक के जिला, हसन, तालुक अर्कलगुड, ग्राम मल्लीपटना में इसके द्वारा धारित भवन संपत्ति के संबंध में 30 अगस्त, 1995 तक की प्रवधि के लिये लागू नहीं होंगे।

[सं. 15/6/92-बी.ओ.ए.]

के.के. मंगल, अधर सचिव

New Delhi, the 2nd November, 1993

S.O. 2531.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 9 of the said Act shall not apply to Karnataka Bank Ltd., in respect of its holding building property at Mallipatna Village, Arkalgud Taluk, Hassan District, Karnataka, for a period upto 30th August, 1995.

[No. 15/6/92-BOA]

K. K. MANGAL, Under Secy.

नई दिल्ली, 3 नवम्बर, 1993

का.आ. 2532—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबन्ध) स्कीम, 1970 के खण्ड 5 के उपखण्ड (1), खण्ड 7 और खण्ड 8 के उपखण्ड (1) के साथ पठित खण्ड 3 के उपखण्ड (क) के अनुसरण में, केन्द्रीय सरकार भारतीय रिजर्व बैंक के साथ परामर्श करने के पश्चात्, एतद्वारा, देना बैंक के वर्तमान अध्यक्ष और प्रबन्ध निदेशक श्री एस. दोरेस्वामी को उनके द्वारा कार्यभार ग्रहण करने की तारीख से 30 सितम्बर, 1997 तक की अवधि के लिए सेन्ट्रल बैंक ऑफ इण्डिया, बम्बई के अध्यक्ष एवं प्रबन्ध निदेशक के रूप में नियुक्त करती है।

[सं. एफ-9/24/93-बो.आ.1]

एम.एस. सीतारामन, अथर सचिव

New Delhi, the 3rd November, 1993

S.O. 2532.—In pursuance of sub-clause (a) of clause 3 read with sub-clause (1) of clause 5, clause 7 and sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970 the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri S. Doraiswamy, presently Chairman and Managing Director, Dena Bank, Bombay as the Chairman and Managing Director of the Central Bank of India, Bombay for the period from the date of his taking charge and upto 30th September, 1997.

[F. No. 9/24/93-B.O.I]

M. S. SEETHARAMAN, Under Secy.

केन्द्रीय उत्पाद शुल्क सभाहर्तालय

अधिसूचना संख्या 07/1993

नागपुर, 2 नवम्बर, 1993

का.आ. 2533.—श्री आर.एस. बापट, अधीक्षक, केन्द्रीय उत्पाद शुल्क समूह "ख" सभाहर्तालय नागपुर का दिनांक 28-6-1993 को सुबह 7-45 को देहांत हो गया है।

[प.सं. II(3)/93/स्था.-I/22903]

हरजिंदर सिंह, उप समाहर्ता (कार्मिक एवं सतर्कता)

CENTRAL EXCISE COLLECTORATE

NOTIFICATION NO. 07/1993

Nagpur, 2nd November, 1993

S.O. 2533.—Shri R. S. Bapat, Superintendent, Central Excise Group 'B' of Nagpur Collectorate has expired on 28-06-1993 at 7.45 A.M.

[C. No. II(3)/93/Estt. I/22903]

HARJINDER SINGH, Dy. Collector(Per. And Vig.)

अधिसूचना संख्या 09/1993

नागपुर, 4 नवम्बर, 1993

का.आ. 2534.—श्री के.एन. भालराव, अधीक्षक, केन्द्रीय उत्पाद शुल्क समूह "ख" सभाहर्तालय नागपुर नियुक्ति की आयु प्राप्त करने पर दिनांक 31-10-1993 को अपरान्त में शासकीय सेवा से निवृत्त हुए हैं।

[प. सं. II(3)/93/स्थापना-I/23281]

हरजिंदर सिंह, उप समाहर्ता (कार्मिक एवं सतर्कता)

NOTIFICATION NO. 09/1993

Nagpur, the 4th November, 1993

S.O. 2534.—Shri K. N. Bhalerao, Superintendent, Central Excise Group 'B' of Nagpur Collectorate having attained the

age of superannuation retired from Government service on 31-10-93 in the afternoon.

[C. No. II(3)/93/Estt.-I/23281]

HARJINDER SINGH, Dy. Collector(Per. And Vig.)

अधिसूचना संख्या 08/1993

नागपुर, 4 नवम्बर, 1993

का.आ. 2535—श्री एम.जी. आंबेकर, अधीक्षक, केन्द्रीय उत्पाद शुल्क समूह "ख" सभाहर्तालय नागपुर दिनांक 31-10-1993 के अपरान्त में सेवस्था में शासकीय सेवा से निवृत्त हुए हैं।

[प. सं. II(3)/93/स्थापना-I/23235]

हरजिंदर सिंह, उप समाहर्ता (कार्मिक एवं सतर्कता)

NOTIFICATION NO. 08/1993

New Delhi, the 4th November, 1993

S.O. 2535.—Shri M. G. Ambekar, Superintendent, Central Excise Group 'B' of Nagpur Collectorate has retired voluntarily from Government service with effect from 31-10-93 in the Afternoon.

[C. No. II(3)/93-Estt-I/23235]

HARJINDER SINGH, Dy. Collector(Per. And Vig.)

भारतीय रिजर्व बैंक

(विदेशी मुद्रा नियंत्रण विभाग)

केन्द्रीय कार्यालय

बम्बई, 22 मार्च, 1993

का.आ. 2536—विदेशी मुद्रा नियंत्रण अधिनियम, 1973 (1973 का 46) की धारा 8 की उपधारा (1), धारा 9 की उपधारा (1) और धारा 73 की उपधारा (3) के अनुसरण में, रिजर्व बैंक किमो ऐसे व्यक्ति को, जिसने भारत में किमो एक या उसमें अधिक क्रेडिट कार्ड मेवा बैंक/संस्था के साथ करार किया है, भारत के बाहर रहने वाले व्यक्तियों के अन्तर्राष्ट्रीय रूप से मान्यताप्राप्त क्रेडिट कार्डों पर प्राप्त चार्ज अल्पों के तहत भारत में बेचो गये वस्तुओं और/प्रत्येक मेवाओं के लिए भारतीय रुपये में सुगमता प्राप्त करने के लिए महत्व अनुमान प्रदान करता

व्यक्ति को अधिपति विदेशी मुद्रा नियंत्रण विभाग के तहत जाने वाले व्यक्ति संस्था/संस्थाओं से किमो प्राधिकृत व्यापार के माध्यम से अनुमानित तरीके से विदेशी मुद्रा में प्राप्त हुई हों।

स्पष्टीकरण: इस अधिसूचना के प्रयोजनार्थ:—

"अन्तर्राष्ट्रीय रूप से मान्यता प्राप्त क्रेडिट कार्ड" से भारत में प्रत्येक भारत के बाहर रहने वाले व्यक्ति के पास में विदेश में जारी "एंड-ग्रान्त"/"अनुपूरक"/"प्रायोजित" क्रेडिट कार्ड में शामिल होंगे।

[अधिसूचना सं. फेर 127/93-आरबी)]

रा. आनंदरामन, उप गवर्नर

RESERVE BANK OF INDIA

(Exchange Control Department)

Central Office

Bombay, the 22nd March, 1993

S.O. 2536.—In pursuance of sub-section (1) of Section 8, sub-section (1) of Section 9 and sub-section (3) of section 73 of the Foreign Exchange Regulation Act, 1973 (46 of

1973), the Reserve Bank is pleased to permit any person, who has entered into an agreement with one or more credit card servicing bank/organisation in India, to receive payment in Indian rupees for goods and/or services sold in India against charge slips raised on internationally recognised credit cards of persons resident outside India :

Provided that the dues are realised in foreign exchange through an authorised dealer from the Credit Card issuing institution(s) overseas in an approved manner.

Explanation : For the purpose of this notification—"internationally recognised credit card" will also include "add-on"/"supplementary"/"Sponsored" credit card issued overseas in favour of a person resident in or outside India.

[Notification No. FERA 127/93-RB]

R. JANAKIRAMAN, Dy. Governor

बाणिज्य मंत्रालय

नई दिल्ली, 5 नवम्बर, 1993

का.प्रा. 2537-नियंत्रण (कमालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार ने प्रकाशित रसायनों की अधिसूचना सं.का.प्रा. 822 तारीख 23-3-91 (2) कपड़े धोने का साबुन अधिसूचना सं.का.प्रा. 823 तारीख 23-3-91 (3) कार्बनिक रसायनों की अधिसूचना सं.का.प्रा. 824 तारीख 23-3-91 और (4) खनिज तथा अयस्क की अधिसूची में विनिर्दिष्ट अधिसूचना सं. का.प्रा. 2540 तारीख 29-9-90 के द्वारा पोल लवण पूर्व निरीक्षण के लिए मैसर्स दिल्ली टेस्ट हाउस, सोहना, इंडस्ट्रियल एस्टेट, जी.टी. करनाल रोड, दिल्ली-110033 को अधिकरण के रूप में मान्यता दी गयी थी,

और ऐसा देखा गया है कि इस भवन में मैसर्स दिल्ली टेस्ट हाउस, सोहना इंडस्ट्रियल एस्टेट, जी.टी. करनाल रोड, दिल्ली-110033 की प्रयोगशाला और कार्यालय प्रस्थापित था उसे ध्वस्त कर दिया गया है।

और मैसर्स दिल्ली टेस्ट हाउस, सोहना इंडस्ट्रियल एस्टेट, जी.टी. करनाल रोड दिल्ली का इस मामले में अत्याचरण करने के लिए उचित अवसर दिया गया।

अतः अब, नियंत्रण (कमालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार प्रकाशित रसायनों, कपड़े धोने का साबुन, कार्बनिक रसायनों तथा खनिज तथा अयस्क (ग्रुप-I तथा II) का निर्यात से पूर्व निरीक्षण करने के लिए मैसर्स दिल्ली टेस्ट हाउस-दिल्ली को दी गयी मान्यता वापिस लेती है।

यह अधिसूचना 15-1-93 में प्रवृत्त होगी जिस तारीख को भवन ध्वस्त किया गया था।

[फाइल सं. 5/12/88-ई आई एण्ड ई पी]

कुमारी गुमा मुखर्जा, निदेशक

MINISTRY OF COMMERCE

New Delhi, the 5th November, 1993

S.O. 2537.—Whereas the Central Government in exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control & Inspection) Act, 1963 (22 of 1963), had recognised M/s. Delhi Test House, Sohana Indl. Estate, G.T. Karnal Road, Delhi-110033 as an agency for pre-shipment inspection of (1) Inorganic Chemicals vide Notification No. S.O. 822 dated 23-3-91, (2) Laundry Soap vide Notification No. S.O. 823 dated 23-3-91, (3) Organic Chemicals vide Notification No. 824 dated 23-3-91 and (4) Minerals & Ores specified in the schedule annexed to the Notification No. S.O. 2540 dated 29-9-90.

And whereas it was observed that the building housing the establishment including laboratory of M/s. Delhi Test House at Sohana Indl. Estate, G.T. Karnal Road, Delhi-110033 had been demolished.

And whereas reasonable opportunity was given to M/s. Delhi Test House, Sohana Indl. Estate, G. T. Karnal Road, Delhi to make representation in the matter;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control & Inspection) Act, 1963, the Central Government hereby withdraws recognition granted to M/s. Delhi Test House, Delhi for inspection of Inorganic Chemicals, Laundry Soap, Organic Chemicals and Minerals & Ores Group I & II.

This Notification shall come into force w.e.f. 15-1-1993, the date on which the premises were demolished.

[F.No. 5/12/88-EI&EP.]

KUM. SUMA SUBBANNA, Director

शहरी विकास मंत्रालय

(दिल्ली प्रभाग)

नई दिल्ली, 19 जनवरी, 1993

का.प्रा.2538.—यद्यः निर्माकित क्षेत्रों के बारे में कुछ संशोधन, जिन्हें केन्द्रीय सरकार प्रघोषित क्षेत्रों के बारे में दिल्ली बृहद् योजना/क्षेत्रीय विकास योजना में प्रस्तावित कानूनी है तथा इसे दिल्ली विकास अधिनियम 1957 (1957 का 61) की धारा 44 के प्रावधानों के अनुसार दिनांक 27-6-93 के नोटिस सख्या एक 3 (76) 82एम.पी. द्वारा प्रकाशित किये गये थे जिसमें उक्त अधिनियम की धारा 11-क की उपधारा (3) में अपेक्षित आपत्तियाँ/मुद्दा, उक्त नोटिस की तारीख के 30 दिन की अवधि में प्रस्तुत किए गए थे।

और यद्यः प्रस्तावित संशोधनों के बारे में कोई आपत्तियाँ और सुझाव प्राप्त नहीं हुए हैं, अतः केन्द्रीय सरकार ने दिल्ली बृहद् योजना/क्षेत्रीय विकास योजना में संशोधन करने का निर्णय किया है।

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 11-क की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अपने के राजपत्र में इन अधिसूचना के प्रकाश का तत्पश्चात् दिनांक उक्त बृहद् योजना में प्राधिकृत विनियमित सभाया करती है।

संशोधन

"सब जॉन प्लॉ-14 में स्थित तथा उत्तर में खातो ट्रक पार्किंग, दक्षिण में 60 मीटर चौड़ा सड़क (बैबर गार्ड पार्क), पूर्व में भैरवजीत रोड और पश्चिम में 30 मीटर चौड़ी सड़क (निमानपुर रोड) के चित्रे क्रमशः 10.41 क्लैक्टर (प्लॉ 25.72 एचडू) क्षेत्र के भू-उपयोग का 'अनुसूचिका' (सफाई भूमि) में 'सार्वजनिक तथा अर्द्ध सार्वजनिक सुविधा (नियंत्रण) में बदलने का प्रस्ताव है।"

[संख्या के-13011/7/91-डी डी आई. बी.]

एम.पी. सागर, धवर सचिव

MINISTRY OF URBAN DEVELOPMENT

(Delhi Division)

New Delhi, the 19th January, 1993

S.O. 2538.—Whereas certain modifications, which the Central Government proposes to make in the Master Plan for Delhi/Zonal Development Plan regarding the areas mentioned hereunder were published with Notice No. F. 3(76) 82-MP dated 27-6-92 in accordance with the provisions of Section 44 of the Delhi Development Act, 1957 (61 of 1957) inviting objections/suggestions as required by sub-section (3) of Section 11-A of the said Act, within thirty days from the date of said notice;

And whereas no objections/suggestions have been received with regard to the said proposed modification;

And whereas the Central Government have decided to modify the Master Plan for Delhi/Zonal Development Plan;

Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 11-A of the said Act, the Central Government hereby makes the following modification in the said Master Plan for Delhi w.e.f. the date of publication of this Notification in the Gazette of India.

MODIFICATION

"The land use of an area measuring about 10.41ha. (25.72 acres) falling in sub-zone C-14 and bounded by Idle Truck parking in the North, 60 mts. wide road (Khybebr Bye Pass) in the South, Magazine road in the East and 30 mts. wide road (Timarpur Road) in the west, is proposed to be changed from "Utility" Sanitary Land) to "Public & Semi-public facilities (Institutional)".

[No. K-13011/7/91-DDIB]

S. C. SAGAR, Under Secy.

नई दिल्ली, 4 नवम्बर, 1993

का.प्रा. 2539: दिल्ली नगर कला आयोग अधिनियम, 1973 (1974 का 1) की धारा-4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा निम्नलिखित व्यक्तियों को, उनके द्वारा पद के कार्यभार को सम्भालने की तारीख से, दिल्ली नगर कला आयोग के सदस्य के रूप में नियुक्त करती है :-

- 1 श्री सैयद एस. शर्मा, पूर्व मुख्य नगर नियोजक, दिल्ली ।
- 2 डा. नारायणी गुप्ता, रीडर-इतिहास, गोगिया मिलिया इस्लामिया, नई दिल्ली ।
- 3 श्री एस. के. सिंह, पूर्व विदेश सचिव ।

[सं. ए-11013/4/84-डी डी बी/VI/बी/1ए]

एस.सी. सागर, अवर सचिव

New Delhi, the 4th November, 1993

S.O. 2539.—In exercise of the powers conferred by Section 4 of the Delhi Urban Art Commission Act, 1973 (1 of 1974), the Central Government hereby appoints the following persons as Member of the Delhi Urban Art Commission with effect from the date they take over charge of the post :-

- (i) Shri Sayed S. Safi, former Chief Town Planner, Delhi.
- (ii) Dr. Narayani Gupta, Reader in History, Jamia Millia Islamia, New Delhi.
- (iii) Shri S. K. Singh, former Foreign Secretary.

[No. A-11013/4/84-DDVB/VI/IB/IA]

S. C. SAGAR, Under Secy.

नई दिल्ली, 11 नवम्बर, 1993

का.प्रा. 2540.—यत्. निम्नांकित क्षेत्रों के बारे में कुछ संशोधन जिन्हें केन्द्रिय सरकार प्रस्तावित क्षेत्रों के बारे में दिल्ली बृहद यातायात/क्षेत्रीय विकास योजना में प्रस्तावित करती है तथा दि. दिल्ली विकास अधिनियम, 1957 (1957 का 61) की धारा-44 के प्रावधानों के अनुसार दिनांक 15-3-93 के नोटिस संख्या-एफ. 3 (56)/89-ए.पी. पर्टे-1 द्वारा प्रकाशित किये गये थे किंगमें उक्त अधिनियम की धारा 11-क की उपधारा (3) में अश्वेक्षित आपत्तियाँ/सुझाव, उक्त नोटिस की तारीख के 30 दिन की अवधि में प्राप्त किए गए थे ।

और यत्. प्रस्तावित संशोधनों के बारे में कोई आपत्तियाँ और सुझाव प्राप्त नहीं हुए हैं ।

और यत्. केन्द्रिय सरकार ने दिल्ली बृहद यातायात/क्षेत्रीय विकास योजना में संशोधन करने का निर्णय किया है ।

अतः अब केन्द्रिय सरकार, उक्त अधिनियम की धारा 11-क की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से दिल्ली को उक्त बृहद योजना में एतद्वारा निम्नलिखित संशोधन करता है ।

संशोधन :- उत्तर में वर्तमान कार्ट ट्रैक में, दक्षिण में जैतपुर नाक, पूर्व में एश डाइक क्षेत्र में बाध (चरण-III) से और पश्चिम में जैतपुर से एश डाइक क्षेत्र, फेज-1 तक के नाक में घिर लगभग 26 हेक्टेयर (64.22 एकड़) क्षेत्र के भूमि उपयोग को "कृषि एवं जल निकास" (उपयोग ज़ोन-4) से "निर्माण (उपयोग ज़ोन एम.1) में बदलने का प्रस्ताव है ।"

[सं. के.-13011/3/92-डी डी बी -1 बी]

एस.सी. सागर, अवर सचिव

New Delhi, the 11th November, 1993

S.O. 2540.—Whereas certain modifications which the Central Government propose to make in the Master Plan for Delhi/Zonal Development Plan regarding the areas mentioned hereunder were published with Notice No. F. 3(56)/89-MP Pt. I dated 15-3-93 in accordance with the provisions of Section 44 of the Delhi Development Act, 1957 (61 of 1957) inviting objections/suggestions as required by sub-section (3) of Section 11-A of the said Act, within thirty days from the date of the said Notice;

And whereas no objections/suggestions have been received with regard to the said proposed modification;

And whereas the Central Government have decided to modify the Master Plan for Delhi/Zonal Development Plan;

Now therefore, in exercise of the powers conferred by sub-section (2) of Section 11-A of the said Act, the Central Government hereby makes the following modification in the said Master Plan for Delhi w.e.f. the date of publication of this Notification in Gazette of India.

Modification—"The land use of an area measuring about 26 ha. (64.22 acres) bounded by existing cart track in the North, Jaitpur drain in the South, Bund of Ash Dyke Area (Phase III) in the East and drain front Jaitpur to Ash Dyke Area Phase-I in the West, is proposed to be changed from agricultural and water body (Use Zone A-4) to manufacturing (Use Zone M-1)".

[No. K-13011/3/92-DDIB]

S. C. SAGAR, Under Secy.

पैट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 9 नवम्बर, 1993

का.आ. 2541.—केन्द्रीय सरकार ने, पैट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) (जिसे हमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पैट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का.आ. 544 तारीख 15 फरवरी, 1992 द्वारा पैट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों के अधिनियम के अन्तर्गत अधिनियम की घोषणा की थी;

और राजपत्रित अधिसूचना को त्रिविध जल. का.आ. 00 तारीख 1901 को उल्लंघन करा दी गई थी;

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अन्तर्गत में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अधिनियम किया जाए;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अधिनियम करने की घोषणा करती है;

यह और कि केन्द्रीय सरकार उक्त धारा की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, यह निवेदन करती है कि उक्त भूमियों के उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के अलावा सभी स्थानों में से रजिस्टर्ड इन्डियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : बावल	जिला : रेवाड़ी	राज्य : हरियाणा।			
ग्राम का नाम	हबबस्त नं.	मुख्यतः त. / किला नं.	क्षेत्रफल		
			हैक्टर	मार.	वर्ग मीटर
1	2	3	4	5	6
खन्डोरा	50	4			
		12	0	01	77
		29			
		12	0	00	10
		50			
		1	0	13	66
		10	0	03	29
		51			
		23	0	06	58
		33			
टांकरी	48	23	0	11	63
		39			
		3	0	10	12
		8	0	00	00
		11	0	07	08
		297			
		1	0	01	52

1	2	3	4	5	6
मुलखा	2	23			
		19	0	00	25
		24			
		23/1	0	12	19
		23/2	0	01	01
		32			
		21/1	0	00	25
		21/2	0	07	85
		45			
		5/1	0	12	14
		46			
		19/1	0	00	51
		19/2	0	02	78
		21/1	0	08	86
		21/2	0	04	55
		44			
		1/1	0	03	04

[सं. आर.-31015/45/93-ओ.आर.-I]

कृपदीप सिंह, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 9th November, 1993

S.O. 2541.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 544, dated the 15th February, 1992, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum;

And whereas the copies of the said Gazette notification were made available to the public on the 9th March, 1992;

And whereas the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government;

And whereas the Central Government after considering the said report is satisfied that the right of user in the lands specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Govt. hereby declares that the right of user in the lands specified in the Schedule appended to this notification are hereby acquired;

And further in exercise of the powers conferred by sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, free from all encumbrances, in the Indian Oil Corporation Limited.

SCHEDULE

Tehsil : Bawal		District : Rewari		State : Haryana		
Name of village	Hadbast No.	Mustatel/ Ki-lla No.	Area			
			Hectare	Are	Centiare	
1	2	3	4	5	6	
Khandora	50	4				
		12	0	01	77	

1	2	3	4	5	6
		29			
		12	0	00	10
		50			
		1	0	13	66
		10	0	03	29
		51			
		23	0	06	58
Tankri	48	33			
		23	0	11	63
		39			
		3	0	10	12
		8	0	00	00
		11	0	07	08
		297			
		1	0	01	52
Sulkha	2	23			
		19	0	00	25
		24			
		23/1	0	12	19
		23/2	0	01	01
		32			
		21/1	0	00	25
		21/2	0	07	85
		45			
		5/1	0	12	14
		46			
		19/1	0	00	51
		19/2	0	02	78
		21/1	0	08	86
		21/2	0	04	55
		44			
		1/1	0	03	04

[R-31015/45/93-O.R.-I]

KULDIP SINGH, Under Secy.

नई दिल्ली, 9 नवम्बर, 1993

का.आ. 2542.—केन्द्रीय सरकार ने, पैट्रोनियम और खनिज पाठ्यपुस्तक (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पैट्रोनियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का.आ. 545 तारीख 15 फरवरी, 1992 द्वारा पैट्रोनियम के परिवहन के लिए पाठ्यपुस्तक विधान के प्रयोजनार्थ उक्त अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने प्राणय की घोषणा की थी;

और राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 9 मार्च, 1992 को उपलब्ध करा दी गई थी;

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाए;

अतः, अथ केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जन करने की घोषणा करती है;

यह और कि केन्द्रीय सरकार उक्त धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्णय देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने को बनाए सभी विध्वंसों से रहित, इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : गोहाना	जिला : सोनीपत	राज्य : हरियाणा				
गांव का नाम	हदबस्त नं.	भूखेती नं. / किला नं.	क्षेत्रफल	वैक्टर	घर	सर्वे-मीटर
1	2	3	4	5	6	7
गिजाना	74	13 18/2 79 4/2	0 0	08 11	09 38	
आवली	71	87 10/2	0	02	78	
भैन्सवान कला मिटान	68	56 20 153 4	0 0	10 04	12 05	
भैन्सवान कला बावला	67	21 08	0	08	09	
कटवाल	69	42 6/2	0	01	27	
लाठ	65	66 19/2	0	00	51	
जोली	61	96 20	0	11	12	
व्यान	62	61 22	0	10	62	
ककाना भावरी	57	31 2/1	0	06	58	
खानपुर कला	56	100 7/1 119 3 7 8 13/1 163 16	0 0 0 0	01 03 00 09 07	52 54 25 62 33	
शामडी बुरान	53	12 23 24	0 0	05 05	31 82	

[अ. आ-31015/45/93-ओ.आर.-I]

कुलदीप सिंह, घर सर सचिव

New Delhi, the 9th November, 1993

S.O. 2542.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 545, dated the 15th February, 1992, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum;

And whereas the copies of the said Gazette notification were made available to the public on the 9th March, 1992;

And whereas the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government;

And whereas the Central Government after considering the said report is satisfied that the right of user in the lands specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Govt. hereby declares that the right of user in the lands specified in the Schedule appended to this notification are hereby acquired;

And further in exercise of the powers conferred by sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest free from all encumbrances, in the Indian Oil Corporation Limited.

SCHEDULE

Tehsil : Gohana District : Sonapat State : Haryana					
Name of Village	Had-bast No.	Mustateel/Killa No.	Area		
			Hec-tare	Acre	Centiare
1	2	3	4	5	6
Giwana	74	13			
		18/2	0	08	09
		79			
Aanwli	71	4/2	0	11	38
		87			
		10/2	0	02	78
Bhainswal Kulan Mithan	68	56			
		20	0	10	12
		153			
Bhainswal	67	4	0	04	05
		21			
		08	0	08	09
Kalan Bawla Katwal	69	42			
		6/2	0	01	27
		66			
Laath	65	19/2	0	00	51
		96			
		20	0	11	12
Jauli	61	61			
		22	0	10	62
		31			
Kakana Bhadri	57	2/1	0	06	58

2619 GI/93—2

1	2	3	4	5	6
Khanpur Kalan	56	100			
		1/1	0	01	52
		119			
		3	0	03	54
		7	0	00	25
		8	0	09	62
		13/1	0	07	33
Shemri Buran	53	163			
		16	0	00	10
		12			
		23	0	05	31
		24	0	05	82

[No. R-31015/45/93-O.R.-I]

KULDIP SINGH, Under Secy.

नई दिल्ली, 9 नवम्बर, 1993

का.प्रा. 2543.—केन्द्रीय सरकारने, पैट्रोलियम और खनिज तेलों का अधिनियम (भूमि में उपयोग के अधिकार का प्रयोग) अधिनियम, 1962 (1962 का 50) (जिसे हमें हमके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पैट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं० का.प्रा. 546 तारीख 15 फरवरी, 1992 द्वारा पैट्रोलियम के परिवहन के लिए पाहानाई बिजनेस के योग्य उक्त भूमि के पता पत्रों में विनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के आने आसय की घोषणा की थी;

और राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 9 मार्च, 1992 को उपलब्ध करा दी गई थीं;

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में मध्यम अधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाचार हो गया है कि इन अधिसूचना के पश्चात् भूमि में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित करने की घोषणा करती है;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इन अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित करने की घोषणा करती है;

यह और कि केन्द्रीय सरकार उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमियों के उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बशर सभी विरलंगों से रहित, इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

सहस्रील : पाचोपन;		जिना : पाचोपन;		राज्य : हरियाणा	
गांव का नाम	हदबस्त सं०	मुस्तौज सं०	औसत	हैक्टर	घर
					मोटर
1	2	3	4	5	6
गांधीपुर	89	20			
		3/2	0	07	08

1	2	3	4	5	6
इसराणा	66	99			
	57	14	0	02	28
		168			
		17	0	08	60
		6			
		1	0	00	51
		10	0	02	28
		11	0	00	51
कारद	64	27			
		19	0	11	38
कालखा	41	108			
		7	0	10	62
कंटला	44	13			
		20	0	00	10
		27			
		5/2	0	03	29
आसन खुर्द	22	10			
		17	0	11	38
		24/1	0	05	31
		24/2	0	05	82
आसा काला	21	85			
		20	0	10	83
		106			
		1	0	04	81
आन जाटान	11	163			
		12	0	04	81
बोहली	12	6			
		9	0	16	69
रझपुर	13	13			
		5	0	12	39

[सं. आर-31015/45/93-ओ.आर-I]

कूलदीप सिंह, अधर सचिव

New Delhi, the 9th November, 1993

S.O. 2543.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 546, dated the 15th February, 1992, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum;

And whereas the copies of the said Gazette notification were made available to the public on the 9th March, 1992;

And whereas the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government;

And whereas the Central Government after considering the said report is satisfied that the right of user in the lands specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Govt. hereby declares that the right of user in the lands specified in the Schedule appended to this notification are hereby acquired;

And further in exercise of the powers conferred by sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, free from all encumbrances, in the Indian Oil Corporation Limited.

Schedule

Tehsil : Panipat	District : Panipat	State : Haryana			
Name of Village	Had-bast No.	Mustatcel/ Killa No.	Area Hec-tare	Are	Centiare
1	2	3	4	5	6
Shahpur	89	20			
		3/2	0	07	08
Istana	66	99			
	67	14	0	02	28
		168			
		17	0	08	60
		6			
		1	0	00	51
		10	0	02	28
		11	0	00	51
Karad	64	27			
		19	0	11	38
Kalkha	41	108			
		7	0	10	62
Untla	44	13			
		20	0	00	10
		27			
		5/2	0	03	29
Asan Khurd	22	10			
		17	0	11	38
		24/1	0	05	31
		24/2	0	05	82
Asan Kalan	21	85			
		20	0	10	83
		106			
		1	0	04	81
Bal Jatan	11	163			
		12	0	04	81
Bohli	12	6			
		9	0	16	69
Razapur	13	13			
		5	0	12	39

[No. R-31015/45/92-O.R.-I]

KULDIP SINGH, Under Secy.

नई दिल्ली, 9 नवम्बर, 1993

का.आ. 2544:—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइप-लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे हमसे हमके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस परिवहन को अधिग्रहण सं. का.आ. 624 तारीख 22 फरवरी, 1992 द्वारा पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजनार्थ उक्त अधिनियम से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के प्रयत्न आशय की घोषणा की थी ;

और राजपत्रित अधिवृत्तना को प्रतियोगिता की तारीख 17 मार्च, 1992 को उपलब्ध करा दी गई थी ;

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार की अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिवृत्तना से संलग्न अधिवृत्तों में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिवृत्तना से संलग्न अधिवृत्तों में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जन करने की घोषणा करती है ;

यह और कि केन्द्रीय सरकार उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमियों के उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाए सभी विभागों से रहित, इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होना ।

अधिवृत्त

तहसील : अजमेर	जिला : रोहतक	राज्य : हरियाणा			
गांव का नाम	हदबस्त नं.	मूल्तोलनं. किला नं.	क्षेत्रफल/ हैक्टर		
			भार	घर्ग- मोटर	
1	2	3	4	5	6
कोका	247	29			
		23/1	0	03	79
अहरी	246	24			
		11/1	0	10	88
		42			
		15/1	0	01	52
		23	0	00	25
		55			
		4	0	04	05
		69			
		25/2	0	00	51
		70			
		9/3	0	04	05
		10/2	0	01	52
		12/2	0	00	05
		73			
		16/1	0	05	06
असवपुर खेड़ा	241	9			
		4/1	0	01	26
		20			
		2/1/1	0	00	08
		20/1	0	11	13
		21	0	10	62
		29			

1	2	3	4	5	6
		11	0	11	13
		52			
		23/1	0	07	53
		60			
		19/2	0	05	82
माछरीली	240	116			
		18	0	11	38
		124			
		22	0	05	31
बामपुर	239	10			
		9/2	0	01	01
		19			
		10	0	02	02
दावन पुर	238	2			
		24	0	07	08
गिजाहोद	260	5			
		17	0	11	38
सिलानी पाना केसो	263	89			
		2	0	10	62
		96			
		1	0	11	13
सिलानी पाना जालम	262	17			
		16	0	12	14
मज्जर	100	6			
		10	0	01	52
		11	0	10	62
		102			
		16/1	0	04	05
		216			
		23/2	0	11	13
		296			
		22/1/1	0	07	84
		22/1/2	0	01	52
		22/2	0	02	02
		348			
		2	0	06	58
कैमलगढ़	102	11			
		19/1	0	04	30
भरावड़	106	5			
		17	0	10	62

[सं. आर-31015/45/93-ओ. आर.-1]

कुलदीप सिंह, भवर सचिव

New Delhi, the 9th November, 1993

S.O. 2544.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 624 dated the 22nd February, 1992, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum;

And whereas the copies of the said Gazette notification were made available to the public on the 17th March, 1992;

And whereas the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government;

And whereas the Central Government after considering the said report is satisfied that the right of user in the lands specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Govt. hereby declares that the right of user in the lands specified in the Schedule appended to this notification are hereby acquired;

And further in exercise of the powers conferred by sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, free from all encumbrances, in the Indian Oil Corporation Limited.

Schedule

Tehsil : Jhajjar		District : Rohtak		State : Haryana	
Name of Village	Had-bast No.	Mustateel/ Killa No.	Area		
			Hec-tare	Are	Centiare
1	2	3	4	5	6
Koka	247	29			
		23/1	0	03	79
Ahri	246	24			
		11/1	0	10	88
		42			
		15/1	0	01	52
		23	0	00	25
		55			
		4	0	04	05
		69			
		25/2	0	00	51
		70			
		9/3	0	04	05
		10/2	0	01	52
		12/2	0	00	05
		73			
		16/1	0	05	06
Asadpur Khera	241	9			
		9/1	0	01	26
		20			
		2/1/1	0	00	08
		20/1	0	11	13
		21	0	10	62
		29			
		11	0	11	13
		52			
		23/1	0	07	58
		60			
		19/2	0	05	82
Machhroli	240	116			
		18	0	11	38
		124			
		22	0	05	31

Chandpur	239	10			
		9/2	0	01	01
		19			
		10	0	02	02
Dadanpur	238	2			
		24	0	07	08
Gijaroad	260	5			
		17	0	11	38
Silani Pana	263	89			
Kesho		2	0	10	62
		96			
		1	0	11	13
Silani Pana	262	17			
Zalim		16	0	12	14
Jhajjar	100	6			
		10	0	01	52
		11	0	10	62
		102			
		16/1	0	04	05
		216			
		23/2	0	11	13
		296			
		27/1/1	0	07	84
		22/1/2	0	01	52
		22/2	0	02	02
		348			
		2	0	06	58
Kamalgarh	102	11			
		19/1	0	04	30
Garawar	106	5			
		17	0	10	62

[No. R-31015/45/93-O.R.-I.]

KULDIP SINGH, Under Secy.

नई दिल्ली, 9 नवम्बर, 1993

का.प्रा. 2545:-केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइप-लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे हमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस संवाय की अधिसूचना सं. का.प्रा. 629 तारीख 22 फरवरी, 1992 द्वारा पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के अपने आशय की घोषणा की थी ;

और राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 17 मार्च 1992 को उपलब्ध करा दी गई थी ;

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इन अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित करने की घोषणा करती है ;

यह और कि केंद्रीय सरकार उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निवेश देती है कि उक्त भूमियों के उपयोग का अधिकार केंद्रीय सरकार में निहित होने के बजाय सभी विलयनों से रहित इंडियन ऑयल कारपोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : रेवाड़ी	जिला : रेवाड़ी	राज्य : हरियाणा			
गांव का नाम	हवसत नं.	मुस्तलील नं. किला नं./	क्षेत्रफल		
			हेक्टर	भार	वर्ग- मीटर
1	2	3	4	5	6
जंतड़ावास	143	12 19/1	0	01	01
भाड़ावास	145	49 12/2/2	0	00	51
भासाका	144	108 12	0	05	08
हुसैन पुर	134	15 10/1 10/2 2 11/1 11/2 18 3 4 7 8/1 8/2 13/1 19/2 21/1 21/2/2 22/1 26 26 5 6/1 6/2 7 14/2 15/1 17 23/1 23/2 23/3 24 27 1/1	0 		

1	2	3	4	5	6
		33			
		2/3	0	00	12
		3	0	13	15
		8/1	0	02	02
		9/1	0	04	55
		9/2	0	06	83
		11	0	02	28
		12	0	10	88
		19	0	00	12
		20	0	13	15
		21	0	07	08
		34			
		25	0	06	32
		38			
		4	0	00	06
		5	0	12	40
		6	0	01	26
		7	0	10	12
		13/2	0	00	25
		13/3	0	01	27
		14	0	11	63
		17/1	0	00	25
		18/1	0	04	81
		18/2	0	08	09
		18/3	0	00	25
		22/1	0	01	01
		22/2	0	02	53
		23	0	07	84
		46			
		2	0	13	41
		9/1	0	03	55
		10/1	0	08	60
		19/1	0	06	57
		19/2	0	00	76
भूखपुर	116	28			
		17/1	0	04	30
मिन्तोखर	113	22			
		23/2	0	10	37
शेखपुर शिकारपुर	224	42			
		12	0	11	13
रोहडाई	230	23		11	13
		14	0	11	13
		70			
		15	0	11	13
		83			
		5	0	00	51
		7	0	10	37
		17	0	11	13
		24	0	11	13
पाह्लावास	236	91			
		3/2	0	05	06
बाग	238	16			
		5/1	0	02	53
		5/2	0	06	07
		6	0	11	13
		13	0	07	59

1	2	3	4	5	6
पद्मराजबाग	239	20			
		7	0	07	84
		14/1	0	08	35
		14/2	0	02	78
		17	0	11	13
		24	0	11	13
		21			
		4	0	11	13
		7	0	07	08
		8	0	04	05
		13	0	11	13
		18	0	11	13
		23	0	11	13
		36			
		3/1	0	08	58
		3/2	0	03	04
		8	0	08	85
		9	0	02	53
		12	0	09	11
		13/1	0	01	26
		13/2	0	00	76
		19	0	08	09
		22/3	0	02	79
		22/4	0	08	34
		22/5	0	02	02
		37			
		2/1	0	00	25
		2/2	0	00	06
		2/3	0	11	13
		9	0	11	13
		11	0	01	77
		12	0	09	36
		19	0	04	05
		20	0	07	08
		21	0	10	88
		22	0	00	25
		45			
		1	0	01	26
		2	0	02	53
काहनोंरा	241	14			
		5/2	0	02	27
काहनोंरी	242	34			
		8	0	10	63
		61			
		5/2	0	06	58
		6/1	0	04	88

[सं. प्रार 31015/45/93 ओ. प्रार. -1]

कुसुमदेव सिंह, ज्वर सचिव

New Delhi, the 9th November, 1993

S.O. 2545.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas

No. S.O. 629, dated the 22nd February, 1992, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) hereinafter referred to as the said Act, the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum;

And whereas the copies of the said Gazette notification were made available to the public on the 17th March, 1992;

And whereas the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government;

And whereas the Central Government after considering the said report is satisfied that the right of user in the lands specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Govt. hereby declares that the right of user in the lands specified in the Schedule appended to this notification are hereby acquired;

And further in exercise of the powers conferred by sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, free from all encumbrances, in the Indian Oil Corporation Limited.

Schedule

Tehsil : Rewari	District : Rewari	State : Haryana			
Name of Village	Had- est No.	Mustateel/ Cilla No.	Area		
			Hec- tare	Are	Cent- tiare
1	2	3	4	5	6
Jaitrawas	143	12			
		19/1	0	01	01
Bharawas	145	49			
		12/2/2	0	00	51
Asaka	144	108			
		12	0	05	06
Hussain pur	134	15			
		10/1	0	09	11
		10/2	0	04	30
		2	0	09	11
		11/1	0	05	82
		11/2	0	00	09
		18			
		3	0	02	02
		4	0	11	13
		7	0	00	25
		8/1	0	05	31
		8/2	0	07	59
		13/1	0	05	56
		19/2	0	02	78
		21/1	0	02	78
		21/2/2	0	06	57
		22/1	0	03	29
		26	0	00	51
		26			
		5	0	07	84
		6/1	0	04	05
		6/2	0	08	09

1	2	3	4	5	6	1	2	3	4	5	6
		7	0	00	25	Chang	238	16			
		14/2	0	09	36			5/1	0	02	53
		15/1	0	01	77			5/2	0	05	07
		17	0	12	14			6	0	11	13
		23/1	0	00	01			15	0	07	59
		23/2	0	01	52	Pehrajwas	239	20			
		23/3	0	06	32			7	0	07	84
		24	0	03	54			14/1	0	08	35
		27						14/2	0	02	78
		1/1	0	08	35			17	0	11	13
		33						24	0	11	13
		2/3	0	00	12			21			
		3	0	13	15			4	0	11	13
		8/1	0	02	02			7	0	07	08
		9/1	0	04	55			8	0	04	05
		9/2	0	06	83			13	0	11	13
		11	0	02	28			18	0	11	13
		12	0	10	88			23	0	11	13
		19	0	00	12			36			
		20	0	13	15			3/1	0	06	58
		21	0	07	08			3/2	0	03	04
		34						8	0	08	85
		25	0	06	32			9	0	02	53
		38						12	0	09	11
		4	0	00	06			13/1	0	01	26
		5	0	12	40			13/2	0	00	76
		6	0	01	26			19	0	08	09
		7	0	10	12			22/3	0	02	79
		13/2	0	00	25			22/4	0	08	34
		13-3	0	01	27			22/5	0	02	02
		14	0	11	63			37			
		17/1	0	00	25			2/1	0	00	25
		18/1	0	04	81			2/2	0	00	06
		18/2	0	08	09			2/2	0	11	13
		18/3	0	00	25			9	0	11	13
		22/1	0	01	01			11	0	01	77
		22/2	0	02	53			12	0	09	36
		23	0	07	84			19	0	04	05
		46						20	0	07	08
		2	0	13	41			21	0	10	88
		9-1	0	03	55			22	0	00	25
		10/1	0	08	60			45			
		19/1	0	06	57			1	0	01	26
		19/2	0	00	76			2	0	02	53
						Kahnora	241	14			
								5/2	0	02	27
Bhudpur	116	28				Kahnori	242	34			
		17/1	0	04	30			8	0	10	63
								61			
Gindokhar	113	22						5/2	0	06	58
		23/2	0	10	37			6/1	0	04	88
Shekhpur	224	42									
Shikarpur		12	0	11	13						
Rohrai	230	23									
		14	0	11	13						
		70									
		15	0	11	13						
		83									
		5	0	00	51						
		7	0	10	37						
		17	0	11	13						
		24	0	11	13						
Pahlawas	236	91									
		3/2	0	05	06						

[No. R-31015/45/93-O.R.-I]

KULDIP SINGH, Under Secy.

नई दिल्ली, 9 नवम्बर, 1993

का. मा. 2546---केन्द्रीय सरकार ने, पैट्रोलियम और खनिज पाइप-लाइन (भूमि में उपयोग के अधिकार का प्रजर्ज) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पैट्रोलियम और प्राकृतिक गैस मंत्रालय का अधिसूचना सं० का. मा. 895 तारीख 21 मार्च, 1992 द्वारा पैट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजनों के अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों के प्रजर्ज के अपने आशय की घोषणा की थी ;

और राजपत्रित अधिसूचना को प्रतियां जनता को तारीख 13 मई 1992 को उपलब्ध करा दी गई थी ;

और उक्त अधिनियम का धारा 6 की उपधारा (1) के अनुसरण में सशम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से नलन अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना से नलन अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित करने की घोषणा करती है ;

यह और कि केन्द्रीय सरकार उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमियों के उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाए सभी विन्यासों से रहित, इन्डियन आयल कारपोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील . बहादुरगढ़	जिला . रोहतक	राज्य . हरियाणा			
प्लॉट का नं.	हदबस्त नं.	मुहताज नं.	क्षेत्रफल		
			हैक्टर	भार	वर्ग-मीटर
1	2	3	4	5	6
छाहरा	17	17	0	29	59
		119	0	01	26
		1573	0	02	78
		6013/1617	0	04	05
		6014/1617	0	02	27
		1619	0	11	38
		1621	0	05	31
		6570/2135	0	00	25
		5697/2190	0	05	31
		2246	0	09	36
आगरपुर	14	34/3	0	07	08
		38			
		9/1	0	01	77

[सं. भार.-31015/45/93-ओ. भार.-I]]

कुलदीप सिंह, धवर सचिव

New Delhi, the 9th November, 1993

S.O. 2546.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 895, dated the 21st March, 1992, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) hereinafter referred to as the said Act, the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum;

And whereas the copies of the said Gazette notification were made available to the public on the 13th May, 1992;

And whereas the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government;

And whereas the Central Government after considering the said report is satisfied that the right of user in the lands specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Govt. hereby declares that the right of user in the lands specified in the Schedule appended to this notification are hereby acquired;

And further in exercise of the powers conferred by sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, free from all encumbrances, in the Indian Oil Corporation Limited.

SCHEDULE

Tehsil : Bahadur Garh	District : Rohtak	State : Haryana			
Name of Village	Had- bast No.	Mustatec/ Killa No.	Area		
			Hec- are	Are	Centi- are
1	2	3	4	5	6
Chhara	17	17	0	29	59
		119	0	01	26
		1573	0	02	78
		6013/1617	0	04	05
		6014/1617	0	02	27
		1619	0	11	38
		1621	0	05	31
		6570/2135	0	00	25
		5697/2190	0	05	31
		2246	0	09	36
Agarpur	14	34/3	0	07	08
		38			
		9/1	0	01	77

[No. R-31015/45/93—O.R.I.]
KULDIP SINGH, Under Secy.

सई विल्ली, 9 नवम्बर, 1993

का. प्रा. 2547.—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइप-लाइन भूमि में उपयोग के अधिकार का (अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. प्रा. 896 तारीख 21 मार्च, 1992 द्वारा पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से नलन अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने प्राण्य की घोषणा की थी ;

और राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 13 मई 1992 को उपलब्ध करा दी गई थी ;

और उक्त अधिनियम का धारा 6 का उपधारा (1) के अनुसरण में सशम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से नलन अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाए ;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम का धारा 6 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित करने को घोषणा करती है ;

यह और कि केन्द्रीय सरकार उक्त धारा की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए यह निवेश करती है कि उक्त भूमियों के उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाए सभी विल्लगों से रहित, इंडियन आयल कारपोरेशन लिमिटेड में निहित होगा।

अनुसूची

महसील रोहताक जिला रोहताक राज्य हरियाणा

गाँव का नाम हवेली सुपरी नं. क्षेत्रफल
नं० किला नं. हेक्टर अर्रे वर्ग मीटर

1	2	3	4	5	6
कुल्लुना	16	173	0	01	18
		174	0	15	15
		1728/175	0	01	13
		186	0	21	86
		1776/187	0	02	05
		1777/187	0	06	52
		288	0	21	27
		1856/289	0	09	36
		1857/289	0	04	30
		1615/290	0	02	44
		1829/291	0	05	23
		1914/1830/291	0	02	56
		1562/292	0	05	57
		1563/222	0	03	40
		293	0	12	67
		1526/295	0	07	90
		297	0	08	01
		298	0	02	03
		303	0	07	08
		304	0	23	63
		305	0	00	79
		320	0	16	69
		321	0	11	86
		336	0	03	29
		337	0	05	82
		339	0	04	41
		389	0	14	08
		390	0	15	57
		406	0	08	82
		407	0	03	26
		1086	0	00	17
		1087	0	11	61
		1088	0	00	65
		1089	0	04	27
		1094	0	05	17
		1095	0	16	67

1	2	3	4	5	6
		1098	0	01	26
		1099	0	10	82
		1100	0	06	58
		1101	0	00	45
		1102	0	11	13
		1105	0	12	79
		1106	0	02	87
		1110	0	00	31
		1111	0	00	90
		1112	0	11	80
		1115	0	11	44
		1118	0	01	12
		1175	0	10	85
		1176	0	02	47
		1177	0	08	80
		1178	0	05	09
		1250	0	03	82
		1251	0	00	06
		1253	0	09	58
		1254	0	10	37
		1276	0	06	74
		1277	0	06	18
		1281	0	04	75
		1282	0	06	49
		1284	0	00	06
		1319	0	10	12
		1744/1320	0	07	45
		1745/1320/2	0	09	58
		1324	0	08	01
		1386	0	06	18
		1391	0	09	58
		1392	0	24	56
		1752/1393	0	12	96
		1753/1393	0	01	41
		1396	0	10	20
		1402	0	13	91
		1403	0	09	58
		1404	0	05	06
		1405	0	01	38
		1406	0	01	41
		1407	0	02	78
		1413	0	08	83
		1414	0	12	73
		1415	0	00	23
		1421	0	26	28
		1422/1	0	06	77
		1422/2	0	06	35
		1423	0	10	45
		1424	0	03	20
		1425	0	00	03
	इसमाईला बिसवा 11	84			
		11020/1	0	02	53
	119	5/2	0	01	26
		135			
		4/2	0	00	25

New Delhi, the 9th November, 1993

		136			
		4	0	11	13
		17	0	11	13
हसमाईला 9	38	73			
बिसवा		7	0	11	13
		17/2	0	07	34
		24/1	0	04	30
		78			
		4/1	0	04	55
गांधरा	44	19			
		14/1	0	06	83
		84			
		21	0	00	25
		107			
		1/1	0	01	27
नोनन्द	43	23			
		22/1	0	00	51
		70			
		2	0	10	37
पाकसमा	57	104			
		1/2/1	0	00	51
		130			
		4	0	09	92
		140			
		4/2/11	0	00	12
		13	0	04	05
		17	0	02	02
		18	0	09	11
		23	0	10	62
भालोट	59	105			
		25/2	0	05	06
		174			
		21	0	04	50
रुद्रकी	54	21			
		21/2/2	0	02	78
		33			
		16/2	0	00	25
		34			
		11	0	07	08
		56			
		7/2	0	05	56
		65			
		23/2	0	01	52
		139			
		15/2	0	02	28
पोलंगी	53	10			
		7/1	0	08	85
		14/2	0	01	52
		18/2	0	11	38
		36			
		23/1	0	02	28
[सं. प्रार-31015/45/93-ओ. प्रार-I]					
कुलदीप सिंह, प्रवर सचिव					

S.O. 2547.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 896, dated the 21st February, 1992, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) hereinafter referred to as the said Act, the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum;

And whereas the copies of the said Gazette notification were made available to the public on the 13th May, 1992;

And whereas the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government;

And whereas the Central Government after considering the said report is satisfied that the right of user in the lands specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Govt. hereby declares that the right of user in the lands specified in the Schedule appended to this notification are hereby acquired;

And further in exercise of the powers conferred by sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, free from all encumbrances, in the Indian Oil Corporation Limited.

SCHEDULE

Tehsil : Rohtak District : Rohtak State : Haryana

Name of Village	Had-bast No.	Mustatcel/Killa No.	Area		
			Hec-tare	Are	Centiare
1	2	3	4	5	6
Kultana	16	173	0	01	18
		174	0	15	15
		1728/175	0	01	13
		186	0	21	86
		1776/187	0	02	05
		1777/187	0	06	52
		288	0	21	27
		1856/289	0	09	36
		1857/289	0	04	30
		1615/290	0	02	44
		1829/291	0	05	23
		1914/1830/291	0	02	56
		1562/292	0	05	57
		1563/292	0	03	40
		293	0	12	67
		1526/295	0	07	90
		297	0	08	01
		298	0	02	03
		303	0	07	08
		304	0	23	63
		305	0	00	79
		320	0	16	69
		321	0	11	86
		336	0	03	29

1	2	3	4	5	6	1	2	3	4	5	6
	337		0	05	82			110			
	339		0	04	41			5/2	0	01	26
	389		0	14	08			135			
	390		0	15	57			4/2	0	00	25
	406		0	08	82			136			
	407		0	03	26			4	9	11	13
	1086		0	00	17			17	0	11	13
	1087		0	11	61	Ismayila 9 Biswa	38	73			
	1088		0	00	65			7	0	11	13
	1089		0	04	27			17/2	0	07	34
	1094		0	05	17			24/1	0	04	30
	1095		0	16	67			78			
	1098		0	01	26			4/1	0	04	55
	1099		0	10	82						
	1100		0	06	58	Gandhra	44	19			
	1101		0	00	45			14/1	0	06	83
	1102		0	11	13			84			
	1105		0	12	79			21	0	00	25
	1106		0	02	87			107			
	1110		0	00	31			1/1	0	01	27
	1111		0	00	90						
	1112		0	11	80	Naunand	43	23			
	1115		0	11	44			22/1	0	00	51
	1118		0	01	12			70			
	1175		0	10	85			2	0	10	37
	1176		0	02	47	Pakasman	57	104			
	1177		0	06	80			1/2/1	0	00	51
	1178		0	05	09			130			
	1250		0	03	82			4	0	09	92
	1251		0	00	06			140			
	1253		0	09	58	I		4/2/11	0	00	12
	1254		0	10	37			13	0	04	05
	1276		0	06	74			17	0	02	02
	1277		0	06	18			18	0	09	11
	1281		0	04	75			23	0	10	62
	1282		0	06	49						
	1284		0	00	06	Bhalote	59	105			
	1319		0	10	12			25/2	0	05	06
	1744/1320		0	07	45			174			
	1745/1320/2		0	09	58			21	0	04	55
	1324		0	08	01	Rooriki	54	21			
	1386		0	06	18			21/2/2	0	02	78
	1391		0	09	58			33			
	1392		0	24	56			16/2	0	00	25
	1752/1393		0	12	96			34			
	1753/1393		0	01	41			11	0	07	08
	1396		0	10	20			56			
	1402		0	13	91			7/2	0	05	56
	1403		0	09	58			65			
	1404		0	05	06			23/2	0	01	52
	1405		0	01	38			139	0		
	1406		0	01	41			15/2	0	02	28
	1407		0	02	78						
	1413		0	08	83	Polungi	53	10			
	1414		0	12	73			7/1	0	08	85
	1415		0	00	23			14/2	0	01	52
	1421		0	26	28			18/2	0	11	38
	1422/1		0	06	77			36			
	1422/2		0	06	35			23/1	0	02	28
	1423		0	10	45						
	1424		0	03	20						
	1425		0	00	03						

[No. R-31015/45/93—O.R.I.]

KULDIP SINGH, Under Secy.

नई दिल्ली, 9 नवम्बर, 1993

Ismayila 11 Biswa 37 84
20/1 0 02 53का. भा. 2548--केन्द्रीय सरकार ने पेट्रोलियम और खनिज पदार्थ
लाहन (भूमि में उपयोग के अधिकार का प्रवर्तन) अधिनियम, 1962

(1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 835 तारीख 23 मार्च, 1991 द्वारा पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के अपने प्राण्य की घोषणा की थी ;

और राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 18 सितम्बर 1992 को उपलब्ध करा दी गई थी ;

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाय ;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित करने की घोषणा करती है ;

यह और कि केन्द्रीय सरकार उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमियों के उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय, सभी विस्तरणों से रहित, इंडियन आयल कारपोरेशन लिमिटेड में निहित होगा ।

अनुसूची

सदृशीन : फूल जिला : बटिन्डा राज्य : पंजाब					
गांव का नाम	हदवस्त नं.	मुस्ततिल न/किला नं.	क्षेत्रफल	हेक्टर	घरों-मीटर
1	2	3	4	5	6
ढडे	3	898/1/1	0	1	01

[संख्या : आर-31015/47/93—ओ आर-1]
कुलदीप सिंह, भवर सचिव

New Delhi, the 9th November, 1993

S.O. 2548.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 835, dated the 23rd March, 1991, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act) the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum;

And whereas the copies of the said Gazette notification were made available to the public on the 18th September, 1992;

And whereas the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government;

And whereas the Central Government after considering the said report is satisfied that the right of user in the lands specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Govt. hereby declares that the right of user in the lands specified in the Schedule appended to this notification are hereby acquired;

And further in exercise of the powers conferred by sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, free from all encumbrances, in the Indian Oil Corporation Limited.

SCHEDULE

Tehsil : Phul	District : Bhatinda		State : Punjab		
Name of Village	Had- bast No.	Mustateel/ Killa No.	Area		
			Hect- tare	Are	Centi- tiare
1	2	3	4	5	6
Dhade	3	898/1/1	0	1	01

[No. R-31015/47/93.O.R.]

KULDIP SINGH, Under Secy.

नई दिल्ली, 9 नवम्बर, 1993

का. आ. 2549.—केन्द्रीय सरकार, ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 836 तारीख 23 मार्च, 1991 द्वारा पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के अपने प्राण्य की घोषणा की थी ;

और राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 18 सितम्बर, 1992 को उपलब्ध करा दी गई थी ;

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाय ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित करने की घोषणा करती है ;

यह और कि केन्द्रीय सरकार उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमियों के उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय, सभी विस्तरणों से रहित, इंडियन आयल कारपोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील : भटिन्डा		ज़िला : भटिन्डा		राज्य : पंजाब		
गाँव का नाम	हज़ारों में	मुस्तौक नं. किला नं.	क्षेत्रफल			वर्ग मीटर
			है.	आर.	वर्ग	
1	2	3	4	5	6	
चक राम सिंह बाला	204	66				
		13/1	0	01	27	
		67				
		6	0	05	05	
		68				
		11	0	11	38	
		12/1	0	06	07	
		12/2	0	05	31	
		12/3	0	01	01	
		13	0	12	39	
		14	0	12	40	
		15	0	12	39	
		71				
		11	0	11	63	
चक फतेह सिंह बाला	205	144				
		16	0	12	39	
		20/2	0	03	29	
सुनवाली	208	179				
		19	0	04	05	

[सं. आर. 31015/47/93-ओ. आर.-I]

कुलदीप सिंह,
अवर सचिव

New Delhi, the 9th November, 1993

S.O. 2549.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 836, dated the 23rd March, 1991, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act) the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the port of petroleum;

And whereas the copies of the said Gazette notification were made available to the public on the 18th September, 1992;

And whereas the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government;

And whereas the Central Government after considering the said report is satisfied that the right of user in the lands specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the Schedule appended to this notification are hereby acquired;

And further in exercise of the powers conferred by sub-section (4) of the said section, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest free from all encumbrances, in the Indian Oil Corporation Limited.

SCHEDULE

Tehsil : Bhatinda		District : Bhatinda		State : Punjab		
Name of Village	Habitat no.	Mustatecl/ Killa No.	Area			
			Hect-tare	Are	Centare	
1	2	3	4	5	6	
Chak Ram Singh Wala	204	66				
		13/1	0	01	27	
		67				
		6	0	05	05	
		68				
		11	0	11	38	
		12/1	0	06	07	
		12/2	0	05	31	
		12/3	0	01	01	
		13	0	12	39	
		14	0	12	40	
		15	0	12	39	
		71				
Chah Fatch Singh Wala	205	144				
		16	0	12	39	
		20/2	0	03	29	
Tungwalia	208	179				
		19	0	04	05	

[No. R-31015/47/93-O.R.J.]

KULDIP SINGH, Under Secy.

नई दिल्ली, 9 नवम्बर, 1993

का आ. 2550—जबकि केन्द्रीय सरकार, यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि काम्प्रेसर स्टेशन गैल दिव्यापुर से यू. पी. पी. सी. पाटा साइट तक पैट्रोलियम पदार्थ लाने के लिए एच. बी. जे पाइप लाइन परियोजना का विस्तार किया जाए। पाइप लाइन गैस अथॉरिटी आफ इंडिया लिमिटेड द्वारा बिछाई जानी चाहिए।

और यह भी अनुभव करती है कि ऐसे पाइप लाइन बिछाने के लिए हमके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पैट्रोलियम एवं खनिज पाइप लाइन भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उप खण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की संज्ञा की घोषणा करती है।

अतः कि उक्त भूमि में अपनी जगह रखने वास्तु कांटे भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति मध्यम प्राधिकारी गैस अथॉरिटी आफ इंडिया लिमिटेड एच. बी. जे. पाइप लाइन परियोजना विकास और बिछाई 22 स्टेशन रोड, लखनऊ 226019 उ.प्र. से दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज करने समय किसी भी व्यक्ति को यह विरोध या से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा किसी व्यक्ति के माध्यम से अपना मत प्रस्तुत करना चाहता है।

ग्राम : परवाहा			अनुसूची	
ग्राम	परगना	तहसील	जनाद साटा सं.	क्षेत्रफल विवरण (एकड़)
परवाहा	औरैया	एटावा	113/1	0.37
			113/2	7.23
			114	0.06
			118	0.12
			116	0.01
कुल क़िला			5	7.79

[म. एन 14016/11/93-जी पी]
अर्धेन्दु सेन, निदेशक

New Delhi, the 9th November, 1993

S.O. 2550.—Whereas it appears to the Central Government that it is necessary in the public interest that for laying gas pipeline from Compressor Station,

GAIL Dibiyaipur to UPPC Pata Site by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying pipeline to supply gas to Petrochemicals Project it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (i) of the Section 3 of the Petroleum & Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intension to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipe line under the Land to the Competent Authority, Gas Authority of India Ltd. HBJ Project, Vikasdeep Building, 22 Station Road, Lucknow-226019, U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE VILLAGE PARWAHA

Village	Pargana	Tchsil	Distt.	Plot No.	Area (Acis)	Remarks
Parwaha	Auraiya	Auraiya	Etawah	113/1	0.37	
				113/2	7.23	
				114	0.06	
				118	0.12	
				116	0.01	
				TOTAL		5

[No. L-14016/11/93-GP]
ARDHENDU SEN, Director.

नई दिल्ली, 9 नवम्बर, 1993

का. आ. 2551.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि काम्प्रेसर स्टेशन गेल दिव्या-पुर से यू.पी. पी.सी. पाटा साइट तक पैट्रोलियम पदार्थ लाने के लिए एच. बी. जे पाइप लाइन परियोजना का विस्तार किया जाए पाइप लाइन गैस अथॉरिटी आफ इंडिया लिमिटेड द्वारा बिछाई जानी चाहिए।

और यह भी अनुभव करती है कि ऐसी पाइप लाइन बिछाने के लिए इसके साथ सलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पैट्रोलियम एवं खनिज पाइपलाइन भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम, 1962 (1962 का 50) के खण्ड 3 के

उप खण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अथॉरिटी आफ इंडिया लिमिटेड एच बी जे पाइप लाइन परियोजना विकास दीप बिल्डिंग 22, स्टेशन रोड, लखनऊ-226019 उ.प्र. में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

ग्रामसूची						
ग्राम : वैसुन्धरा						
उ.प्र. पेट्रोकेमिकल्स प्रोजेक्ट						
जनपद	तहसील	परगना	ग्राम	गोटा सं.	क्षेत्रफल (एकड़)	विवरण
(1)	(2)	(3)	(4)	(5)	(6)	(7)
टावा	बिधूना	बिधूना	वैसुन्धरा	116	0.45	
				117	0.04	
				128	0.24	
				129	0.02	
				130	0.62	
				131	0.02	
				132	0.02	
				136	0.50	
				137	0.65	
				138	0.03	
				157 मि.	0.24	
				328 मि.	0.06	
				329 मि.	0.30	
				332 मि.	0.35	
				333	0.03	
				334	0.06	
				335 मि.	0.20	
				336	0.30	
				337 मि.	0.11	
				343	0.50	
				368	0.82	
				369	0.02	
				371 मि.	0.04	
				373 मि.	0.25	
				375 मि.	0.45	
				376 मि.	0.65	
				377	0.02	
				530	0.08	
				609	0.04	
				610	0.26	
				611	0.04	

1	2	3	4	5	6	7
इटावा	बिधूना	बिधूना	वैसुन्धरा	612	0.14	
				613 मि.	0.04	
				617	0.95	
				618	0.38	
				618 मि.	0.62	
				621	0.72	
कुल किला				37	10.26	

[सं एल-14016/11/93-जी पी]

अर्घेन्द्र सेन, निदेशक

New Delhi, the 9th November, 1993

S.O. 2551.—Whereas it appears to the Central Government that it is necessary in the public interest that for laying gas pipeline from Compressor Station, GAIL Dibiyapur to UPPC Pata Site by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying pipeline to supply gas to Petrochemicals Project it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (i) of the Section 3 of the Petroleum & Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intension to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipe line under the Land to the Competent Authority, Gas Authority of India Ltd. HBJ Project, Vikasdeep Building, 22 Station Road, Lucknow-226019, U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

VILLAGE : VAISUNDHRA

U.P. PETROCHEMICALS PROJECT

District	Tehsil	Pargana	Village	Plot No.	Area (Acres)	Remark
Etawah	Bidhuna	Bidhuna	Vaisundhra	116	0.45	
				117	0.04	
				128	0.24	
				129	0.02	
				130	0.62	

1	2	3	4	5	6
Etawah	Bidhuna	Bidhuna	Vaisundhra	131	0.02
				132	0.02
				136	0.50
				137	0.65
				138	0.03
				157 Min	0.24
				328 Min	0.06
				329 Min	0.30
				332 Min	0.35
				333	0.03
				334	0.06
				335 Min	0.20
				336	0.30
				337 Min	0.11
				343	0.50
				368	0.82
				369	0.02
				371 Min	0.04
				373 Min	0.25
				375 Min	0.45
				376	0.65
				377	0.02
				530	0.08
				609	0.04
				610	0.26
				611	0.04
				612	0.14
				613 Min	0.04
				617 Min	0.95
				618	0.38
				619 Min	0.62
				621	0.72
Total				37	10.26

[No L-14016/11/93-GP]
ARDHENDU SEN, Director

नई दिल्ली 9 नवम्बर, 1993

का. घा. 2552.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि काम्पेसर स्टेशन गैल बिबियापुर से यू० पी० पी० सी० पाटा साइट तक पेट्रोलियम पदार्थ लाने के लिए एच बी० जे० पाइप लाइन परियोजना का विस्तार किया जाए पाइप लाइन गैस अथारिटी आफ इंडिया लिमिटेड द्वारा बिछाई जानी चाहिए ।

और यह भी अनुभव करती है कि ऐसी पाइप लाइन बिछाने के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है ।

अतः पेट्रोलियम एवं खनिज पाइप लाइन भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम 1962 (1962 का 50) के खण्ड 3 के

उप खण्ड (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है ।

बशर्ते कि उक्त भूमि में अपनी रुबि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी अपनी सक्षम प्राधिकारी गैस अथारिटी आफ इंडिया लिमिटेड एच. बी. जे. पाइप लाइन परियोजना विकास बोर्ड बिबिया 22 स्टेशन रोड लखनऊ 226019 उ.प्र. में दर्ज करा सकता है ।

और ऐसी अग्रति दर्ज कराने समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा बिधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है ।

अनुसूची

New Delhi, the 9th November, 1993

ग्राम : सेहुद

ग्राम	पगना	तहसील	जकब	प्लॉट सं.	क्षेत्रफल	विवरण
(1)	(2)	(3)	(4)	(5)	(6)	(7)
सेहुद	औरैया	औरैया	इटावा	9/5	0.30	
				9/7	0.32	
				10	0.09	
				16	0.10	
				18/1	0.01	
				19/1	0.04	
				19/2	0.32	
				20	0.01	
				21/1	0.18	
				122	0.11	
				125/1	0.01	
				125/2	0.17	
				126	0.01	

कुल किला — 13 1.47

[सं. एल-14016/11/93-जी पी]

अर्धेन्दु सेन, निदेशक

S.O. 2552.—Whereas it appears to the Central Government that it is necessary in the public interest that for laying gas pipeline from Compressor Station, GAIL Dibiyaapur to UPPC Pata Site by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying pipeline to supply gas to Petrochemicals Project it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (i) of the Section 3 of the Petroleum & Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intension to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipe line under the Land to the Competent Authority, Gas Authority of India Ltd. HBJ Project, Vikasdecp Building, 22 Station Road, Lucknow-226019, U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

VILL : SEHUD

Village	Pargana	Tehsil	Distt	Plot No (In Acres)	Area	Remarks
1	2	3	4	5	6	7
Sehud	Auraiya	Auraiya	Etawah	9/5	0.30	
				9/7	0.12	
				10	0.09	
				16	0.10	
				18/1	0.01	
				19/1	0.04	
				19/2	0.32	
				20	0.01	
				21/1	0.18	
				122	0.11	
				125/1	0.01	
				125/2	0.17	
				126	0.01	
TOTAL				13	1.47	

[No L-14016/11/93-GP]
ARDHENDU SEN. Director

नई दिल्ली, 9 नवम्बर, 1993

का० घा० 2553—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि काम्प्रेसर स्टेशन, गैल दिब्यापुर से यू० पी० सी. पाटा साइट तक पैट्रोलीयम पाइप लाइने के लिए एच० बी० जे० पाइपलाइन परियोजना का विस्तार किया जाए। पाइप लाइन गैस अथॉरिटी आफ इंडिया लिमिटेड द्वारा बिछाई जानी चाहिए।

और यह भी अनुभव करती है कि ऐसी पाइप लाइन बिछाने के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पैट्रोलीयम एवं खनिज पाइप लाइन (भूमि पर प्रयोज्यता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की संज्ञा को घोषणा करती है।

बर्तते कि उक्त भूमि में अपनी रवि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अथॉरिटी आफ इंडिया लिमिटेड एच. बी. जे. पाइप लाइन परियोजना, विकास दीप बिल्डिंग, 22 स्टेशन रोड, लखनऊ-226019 उ.प्र. में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा बिधि व्यवसाय के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

उ.प्र. पैट्रोकेमिकल्स परियोजना

जिला	तहसील	परगना	गांव एक	गाटा संख्या	क्षेत्रफल विवरण एकड़
इटासा औरैया	औरैया	खानपुर-फफूँव	479/1	0.20	
			479/2	0.62	

1	2	3	4	5	6
			479/3	0.21	
			479/4	0.77	
			480/1	0.02	
			480/2	0.28	
कुल किला			6	2.10	

[सं. एल—14016/11/93 जीपी]
अर्धेन्दु सेन, निदेशक

New Delhi, the 9th November, 1993

S.O. 2553.—Whereas it appears to the Central Government that it is necessary in the public interest that for laying gas pipeline from Compressor Station, GAIL Dibiyapur to UPPC Pata Site by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying pipeline to supply gas to Petrochemicals Project it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (i) of the Section 3 of the Petroleum & Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipe line under the Land to the Competent Authority, Gas Authority of India Ltd. HBJ Project, Vikasdeep Building, 22 Station Road, Lucknow-226019, U.P.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

UP PETROCHEMICALS PROJECT

District	Tahsil	Pargana	Village	Plot No	Area (Acres)	Remarks
Etawah	Auraiya	Auraiya	Khanpur-Phaphund	479/1	0.20	
				479/2	0.62	
				479/3	0.21	
				479/4	0.77	
				480/1	0.02	
				480/2	0.28	
Total				6	2.10	

[No L—14016/11/93—GP]

ARDHENDU SEN, Director

अम मंत्रालय

नई दिल्ली, 29 अक्टूबर, 1993

का.प्र. 2554.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, इन्डस्ट्रियल डेवलपमेंट बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 1, मुम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-10-93 को प्राप्त हुआ था।

[संख्या एल-12012/127/91-मार्च भार बी-2]

वी.के. वेणुगोपालन, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 29th October, 1993

S.O. 2554.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal No. 1, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Industrial Development Bank of India and their workmen, which was received by the Central Government on 29-10-93.

[No. L-12012/127/91-IRB-II]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar,
Presiding Officer.

REFERENCE NO. CGIT-69 OF 1991

PARTIES :

Industrial Development Bank of India.

AND

Their Workmen.

APPEARANCES :

For the Management : Shri Baig, Advocate.

For the Workmen : No appearance.

INDUSTRY : Banking. STATE : Maharashtra.

Bombay, dated the 6th day of October, 1993

AWARD

The following reference has been made to this Tribunal by the Government of India, Ministry of Labour by order.....received in this office on 19-8-1991.

"Whether the claim of Shri Omkar Amrut Narnavre that he was an employee of the IDBI is correct ? If so, whether the management of IDBI was justified in terminating his services with effect from 4-10-1988.

What relief, if any, is the workman entitled to ?".

2. The statement of claim has been filed by the workman and therein, he has stated that he was working as Cleaner and was paid Rs. 400/- per month, was in the employment of Industrial Development Bank of India. He, further stated that he was required to work between 7.00 a.m. to 4.00 p.m. in the premises of the Bank and under the supervision and control of the executives and officers of the Bank, he states 'he was said to be an employee of an alleged contractor by name Shivsagar Cleaners'. According to him he was performing duties which form integral part of the functioning of the Bank and was working in the Bank during the entire period of his employment. According to him his work was not being supervised and/or controlled by the said alleged contractor. He was using all the equipments of the Bank for performance of his duties and at the disposal of the Bank. In short, he submits that the alleged contractor was nothing but same contractor and introduction of alleged contractor is nothing else but an arrangement to evade implementation of labour laws as against the workman. According to him, therefore, he was a bank employee and his services were illegally terminated.

3. In the written statement filed on behalf of the Industrial Development Bank. It has been denied that he was a workman in the services of the Bank. It is stated that the Bank was on the look out for additional space and pending completion of its own building at Cuffe Parade, Apar Pvt. Ltd. offered to allow the Bank, the bare use of a portion of its premises in the first floor of Maker Chambers No. III, Nariman Point, Bombay. On 24th December 1983, the agreement is entered into between Bank and Apar, it was leave and licences agreement, the Bank was permitted as licence to use and occupation of a portion of their premises admeasuring 4,205 square feet with effect from January 1984 to December 1988. The Bank did not get any other right and actual control over the said premises remained with Apar. The licensor was responsible for maintenance and up-keep of the premises occupied by the Bank against payment of service charges to Apar for the purpose. Apar, thus stated, seems to have entered into an agreement with M/s. Shivsagar Cleaners for cleaning and maintaining the entire premises including the portion occupied by the IDBI. It is stated that the workman of M/s. Shivsagar Cleaners engaged for providing maintenance at the premises of Apar including the portion occupied by the Bank do not constitute master and servant relationship between the workmen and the Bank. In the circumstances prayer for rejection of workman's claim is made, contending that the Bank never terminated his services.

4. When the matter was called out for hearing, it was found that the workman was not present. In fact on the earlier occasion, he had asked for time for cross-examining Bank's witness and it was granted. Earlier, he had completed his evidence. In the circumstances, I heard learned Advocate appearing on behalf of the Bank.

5. An affidavit is filed by Shri Ushir, Joint Legal Adviser of IDBI. A copy of the agreement between Apar Pvt. Ltd. and the Bank has been also produced. It is seen from the agreement that Apar Pvt. Ltd. were to receive sum of Rs. 10,933/- as interest from deposit as security for meeting, the obligations of the Licencees to discharge every month the amount payable by the Licencees to the Licensors for out-goings, society contribution, service charges, maintenance charges etc., etc. It shows that with work of maintenance was with the licencer. In the affidavit filed, it has been stated that the security and maintenance, including clearing of premises was the responsibility of the Licensor, and job of cleaning was being attended to by the Licensor through a contractor, namely, M/s. Shiv Sagar Cleaners.

6. It is also stated that Shri Narnavre the workman was at no point of time an employee of IDBI. While denying that the workman was preparing tea/coffee/snacks for the staff attached to the department of IDBI housed in Maker Chamber No. III, it is also stated that there was no supervision of the Bank employees over his work.

7. It is true that the workman has examined himself in this proceedings and has stated that he was in the employment of IDBI and was working only in the premises of the Bank under the directions of Bank employees, M/s. Kamble, T.K. Pandit, B.D. Ushir. He, therefore, stated that he was supposed to serve Tea, Snacks to the Bank employees and their guests, clean the table, if required. He was also supposed to bring snacks from outside for the Bank employees. He stated, he was to prepare tea in the crockery supplied by the Bank. In the course of cross-examination he admitted that he had not applied in writing for employment nor did he get any letter of appointment. He further stated that he met Mr. Iqbal of Shivsagar Cleaners near Maker Chamber and Shri Iqbal was the supervisor of M/s. Shivsagar Cleaners. He admitted that Shivsagar Cleaners undertake cleaning work in some buildings in that area. Mr. Iqbal told him (workman) that he would be paid Rs. 400/- p.m. salary and showed him place which had to be cleaned. It was Mr. Iqbal who was paying him salary every month by calling him on the ground floor of the building. The premises of the Bank were on the first floor. He did not know, he stated if Apar had given the premises to IDBI on lease nor did he know if Apar had given Shivsagar Cleaners contract of cleaning. He has further admitted that there was another lady employee for cleaning ladies' toilet and did not know who has employed her and whether she was employee of Shivsagar Cleaners. He also admitted that he had not mentioned in his statement of claim that he served tea and snacks to the Bank employees and he has working as a Peon of the Bank.

8. It is difficult to accept the contention that he was an employee of the Bank. There was no letter of appointment by the Bank and it would not be so in the case of nationalised Bank. Besides the evidence in cross-examination clearly shows that it was Mr. Iqbal, who employed him and paid him and not the Bank. Mr. Iqbal was the Supervisor of M/s. Shivsagar Cleaners who had undertaken the work of

getting premises cleaned. In the circumstances, I hold that it has not been proved that he was an employee of the Bank and his services were terminated by the management of Bank. He is therefore, not entitled to any relief in these proceedings. Award accordingly.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 2 नवम्बर, 1993

का.प्र. 2555:—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अन्वय में केन्द्रीय सरकार, भारतीय औद्योगिक वित्त निगम के प्रबन्धन के संबंध में निम्नलिखित आदेशों और उनके कर्मचारियों के बीच, अन्वय में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 1-11-1993 को प्राप्त हुआ था।

[संख्या एल-12011/83/90-आई धार बी-2]

बी.के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 2nd November, 1993

S.O. 2555.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Industrial Finance Corporation of India and their workmen, which was received by the Central Government on 1-11-1993.

[No. L-12011/83/90-IRB-11]

V.K. VENUGOPALAN, Desk Officer
ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL, NEW DELHI

I. D. No. 71/91

In the matter of dispute between :
General Secretary,

All India Industrial Finance Corporation
Employees Association,
12th Floor,

Bank of Baroda Building,
16, Sansad Marg, New Delhi

Versus

General Manager (A.I.P.),

Industrial Finance Corporation of India,
Bank of Baroda Building,
16, Sansad Marg, New Delhi.

APPEARANCES :

None for the workman.

Shri S. C. Pandey for the management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12011/83 90-I.R. (F-2) dated 4-6-91 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the demand of the Secretary, All India Industrial Finance Corporation Employees Association, New Delhi for promoting eligible Class IV employees with retrospective effect consequent upon the postings/promotions of General Manager/Dy. General Managers as per the Settlement dated 3-11-86 [Clause 19(i)(a) & (b)] is justified? If so, to what relief the employees are entitled?"

2. The case was fixed for admission and denial of documents but none appeared for the workman on 6-4-93, on 17-5-93, 3-6-93, 3-8-93 and 28-9-93. The workman was ordered to be proceeded against exparte. Management, however, did not lead any evidence.

3. In view of this situation it appears that the workman is not interested in pursuing this case and there is nothing on record to suggest that the dispute now exists between the parties. I, therefore, pass a No Dispute Award in this case leaving the parties to bear their own costs.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 29 अक्टूबर, 1993

का.प्रा.2556:—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1 बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-10-93 को प्राप्त हुआ था।

[सं. एल-41011/12/90-आईआर(डीबी)]

के.बी.बी. उष्णी, डेस्क अधिकारी

New Delhi, the 29th October, 1993

S.O. 2556.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of western Railway and their workman, which was received by the Central Government on 29-10-93.

[No. L-41011/12/90-IR(DV)]

K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, AT BOMBAY PRESENT :

Shri Justice R. G. Sindhakar, Presiding Officer.

REFERENCE NO. CGIT-81 OF 1990

PARTIES :

Employers in relation to the management of Western Railway

AND

Their Workman

APPEARANCES :

For the Management : Mr. P. R. Pai, Advocate

For the Workman : Mr. M. B. Anchan, Advocate.

INDUSTRY : Railways STATE : Maharashtra

Bombay, dated the 5th day of October, 1993

AWARD

The following reference has been made to this Tribunal under section 10(1)(d) of the Industrial Disputes Act :

"Whether the action of the employer of Western Railway, in retrenching the services of Shri Damodhar S. Casual Labour working under HSBCT is justified? If not, to what relief the concerned workman is entitled to?"

2. On behalf of the workman statement of claim has been filed. According to him, there has been illegal retrenchment of Casual Labour. The employee has completed 120 days' services and thus they acquired temporary status which offers them the right and privilege enjoyed by the other temporary Railway servants as defined in para 2305 and note thereunder. Under that para a notice is required for terminating the services. This was not done in the case of Shri Damodar S., working on the establishment of Western Railway.

3. When the reference came up for hearing before me, no written statement has been filed to-day. Mr. Anchan, Advocate appearing for the union stated that the union does not wish to press the claim and continue the reference. In view of the statement made reference is disposed off. Award accordingly.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 29 अक्टूबर, 1993

का.प्रा.2557:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1 बम्बई के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 29-10-93 को प्राप्त हुआ था।

[एल-41011/13/90-आईआर(डीबी)]

के.बी.बी. उष्णी, डेस्क अधिकारी

New Delhi, the 29th October, 1993

S.O. 2557.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial-cum-Labour Court No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Railway and their workmen, which was received by the Central Government on 29-10-93.

[No. L-41011/13/90-IR(DV)]

K. V. B. UNNY, Desk Officer

ANNEXURE

New Delhi, the 3rd November, 1993

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. I AT BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar, Presiding Officer
REFERENCE NO. CGIT-82 OF 1990

PARTIES :

Employers in relation to the management of
Western Railway

AND

Their Workman

APPEARANCES :

For the Management : Mr. P. R. Pai, Advocate

For the Workmen : Mr. M.B. Anchan, Advocate

INDUSTRY : Railways STATE : Maharashtra
Bombay, dated the 5th day of October, 1993

AWARD

The following reference has been made to this Tribunal under section 10(1)(d) of the Industrial Disputes Act.

“Whether the action of the employer of Western Railway in non-granting of temporary status and stoppage of annual increment to the workman working under the control of P.W.I., Andheri is justified?” If not, what relief the concerned workman is entitled to?”

2. The statement of claim has been filed and it has been stated that the workman have not been given increments after 120 days. According to the union, all Casual Labour who have worked for 120 days on open line are deemed to have attained temporary status and get benefits which other temporary Railway servants get in respect of leave, scale, bonus, increments etc. It is because of this that the reference came to be made.

3. When the matter came up for hearing today Mr. Anchan, Advocate appearing for the union stated that the union does not want to press the claim in reference and same may be disposed of. In the circumstances the reference is disposed of and award accordingly.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 3 नवम्बर, 1993

का.प्र. 2558:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन काउंसिल ऑफ फारेस्ट्री रिसर्च एजुकेशन के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-11-93 को प्राप्त हुआ था।

[एन-42012/45/90-घाई आर(डीयू) (पीटी)]

के.वी.बी. उण्णी, डेस्क अधिकारी

S.O. 2558.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Indian Council of Forestry Research Education and their workmen, which was received by the Central Government on the 1-11-93.

[L-42012/45/90-IR (DU) (Pt)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER :
CENTRAL GOVT. INDUSTRIAL TRIBUNAL :
NEW DELHI

I. D. No. 139/1990

In the matter of dispute between :

Kumar Mala Upadhyay, D/o Shri L. N. Upadhyay,
Vill. & P. O. Nehru Gram Via Raipur O.F.
Dehradun-248008.

Versus

The Director General, Indian Council of Forestry
Research & Education, P.O. New Forest-Dehradun-
248006.

APPEARANCES

Shri R. P. Goyle for the workman.

Shri Jog Singh for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-32013/45/90-I.R. (DU) dated 27/30-11-90 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of management of Indian Council of Forestry Research and Education in terminating the services of Miss Mala Upadhyay w.e.f. 19-5-86 (A.N.) is justified? If not, to what relief the workman is entitled to?”

2. On 14-10-93 Shri R. P. Goyle, representative for the workman made statement that the workman has conveyed that she was gainfully employed elsewhere and was not interested to pursue the case. In view of this statement, No dispute exist between the Parties. I, therefore, pass a No Dispute Award in this case. Parties are left to bear their own costs.

28th October, 1993.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 3 नवम्बर, 1993

का.प्र. 2559:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेल्मीकान डिस्ट्रिक्ट इंजीनियर सहारनपुर के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-11-93 को प्राप्त हुआ था।

[एन-40012/135/91-घाई आर(डीयू) (पीटी)]

के.वी.बी. उण्णी, डेस्क अधिकारी

New Delhi, the 3rd November, 1993

S.O. 2559.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom Distt. Engineer, Saharanpur and their workmen, which was received by the Central Government on the 1-11-93.

[L-42012/135/91-IR(DU) (Pt.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER : CENTRAL GOVT. INDUSTRIAL TRIBUNAL : NEW DELHI

I. D. No. 8/92

In the matter of dispute between :

Shri Prabal Pratap Singh, son of Shri Shiv Chander Singh c/o Shri Rajaishwar P. Goyle, 117-Chander Nagar, Dehradun-248001.

Versus

The Telecom District Engineer, Chander Nagar (Mission Compound), Court Road, Saharanpur-247001.

APPEARANCES :

Shri Rajaishwar P. Goyle for the workman.

None for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/135/91/IR(D.U.) dated 6-1-92 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the Telecom District Engineer Saharanpur in terminating the service of Shri Prabal Pratap Singh s/o Shri Shiv Chander Singh, Mazdoor with effect from 8-12-90 (A.N.) is legal and justified ? If not, what relief the workman is entitled to ?"

2. The representative for the workman Shri R. P. Goyle made statement on 13-9-93 that due to non-cooperation of the workman for the proper conduct of the case he would not continue as his representative and withdrew authorisation. Thereafter a registered notice was issued to the workman for 30-9-93. A letter was received later on 5-10-93 that the workman had been reinstated by order of the Central Administrative Tribunal. In view of this situation no dispute award in this case is passed between the parties leaving the parties to bear their own cost.

GANPATI SHARMA, Presiding Officer

October, 11, 1993.

नई दिल्ली, 3 नवम्बर, 1993

का.भा. 2560:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इन्टीग्रल कोच फैक्ट्री, मद्रास के प्रबन्धकों के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-11-93 को प्राप्त हुआ था।

[एल-41012/3/88-डी-2 (बी) (Pt.)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 3rd November, 1993

S.O. 2560.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Integral Coach Factory, Madras and their workmen, which was received by the Central Government on the 2-11-93.

[L-41012/3/88-D.II(B)(Pt.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMILNADU MADRAS

Madras, the 30th day of July, 1993

PRESENT :

Thiru K. Sampath Kumaran, B.A.B.L.,
Industrial Tribunal.

Industrial Dispute No. 84/88

(In the matter of the dispute for adjudication under Section 10(1)(d) and (2-A) of the Industrial Disputes Act, 1947 between workman and the Management of Integral Coach Factory, Madras-38).

BETWEEN :

Thiru R. Selvam,
No. 74, Veluva Pandara Street,
Otteri,
Madras-600 012.

AND

The General Manager,
Integral Coach Factory,
Madras-600 039.

REFERENCE :

Order No. L-41012/3/88-D.II(B), dated 27-12-88, Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on Monday, the 12th day of July, 1993 upon perusing the reference, Claim and Counter Statements and all other material papers on record and upon hearing the arguments of Thiruvalargal T. Fenn Walter and C. Panneerselvam, Authorized Representatives for the Workman, and of Thiru B. T. Seshadri, Advocate appearing for the Management, and this dispute having stood over till this day for consideration, this Tribunal made the following.

AWARD

This is a reference under Section 10(1)(d) and 2(A) of the Industrial Disputes Act, 1947 made by the Government of India, Ministry of Labour, by its order dated 27-12-88. This reference relates to the dispute between R. Selvam and the General Manager, Integral Coach Factory, Madras.

2. The reference has been made for the adjudication of the following issue :

"Whether the action of the Management of Integral Coach Factory, Indian Railway, Madras in removing from service Sri R. Selvam, Ex HAS GD I/T No. 36/6027 with effect from 21-10-1982 is justified ? If not what relief the said workman is entitled to ?"

3. The allegations in the Claim statement of the Petitioner-Workman are as follows :

The petitioner entered service in the Integral Coach Factory on 2-6-77 as Khalasi. During the material time he was working as HSA Grade-I in the Mechanical Department. The petitioner belongs to 'Hindu Kattu Naicken' Community and at the time of joining service, he produced the community certificate and also a transfer certificate from the Corporation Boys High School, Purasawalkam. The

Petitioner discontinued when he was studying 9th Standard. The petitioner was taken as Khalasi against the Scheduled Tribe-quota, as he belongs to Scheduled Tribe.

4. Misunderstandings developed between the petitioner and the higher authorities due to the communal hatred of the higher authorities. Since the petitioner belongs to Hindu Kattu Naicken Community, he was treated with contempt by the Officers, and they started illtreating him. When this was not liked by the petitioner, the authorities were determined to ruin his career, and hence, they foisted some false charges alleging that he produced a false transfer certificate at the time of joining the service in June, 1977 and also falsely stated that he belonged to Hindu Kattu Naicken Community although he belonged to Vanniyar Kula Kshatriya, and thereby, the petitioner is alleged to have failed to maintain absolute integrity and acted in a manner unbecoming of Railway servant violating the Conduct Rule 3 of the Railway Service. The petitioner denied this allegation and pointed out that while joining the service he signed in various papers filled by the authorities and had only signed in the places shown, in the service documents. The petitioner does not know under what circumstances the school where he had studied has been wrongly entered. The petitioner was summoned all of a sudden before the Vigilance Inspector, who obtained signatures and statements from the petitioner. The petitioner was unable to resist the intimidation, and coercion of the Vigilance Inspector. He was threatened that if he took any action he will face dire consequences. The petitioner was assaulted and manhandled by the staff of the Vigilance Department, and the Railway Protection force. The charge sheet dated 22-7-81 was issued falsely alleging that the petitioner produced a false transfer certificate at the time of joining service in June 1977, and that he had falsely stated that he had studied in St. Michel Higher Elementary School, Perambur whereas, he had actually studied in Corporation Boys High School Purusawalkam, and that he falsely stated that he belongs to Kattu Naicken Community. The enquiry was held and the railway administration relied upon various fabricated documents. The enquiry was held in a biased and prejudiced manner. When the Enquiry Officer demanded the production of community certificate, the petitioner was willing to produce the community certificate afresh after applying for the same, and he applied for it immediately. He was able to get it only on 29-8-83. In spite of this the Enquiry Officer has given a finding that the petitioner was guilty of having produced a false school certificate at the time of joining the service, and that he is not guilty of the second charge since he actually belongs of Kattu Naicken Community. But, the Disciplinary Authority disagreed with the contention of the Enquiry Officer and by order dt. 15-10-82, removed the petitioner from service with effect from 21-10-82. The petitioner preferred an appeal on 2-12-82 and has also mentioned that the Enquiry Officer has obtained certain false statements from him at the time of enquiry. The petitioner has been misled by the Enquiry Officer and he conspired against the petitioner to remove him from service. The authority has not trusted the sale deed, which was anterior to the dispute. The Appellate Authority dismissed the appeal by the order dated 4-6-83. The petitioner preferred a Revision petition to the Chief Mechanical Engineer, and then on 6-7-83 to the General Manager of the Integral Coach Factory enclosing a photostat copy of the Community Certificate issued by the Tahsildar, Perambur, dated 29-8-83. Even thereafter the General Manager sent a letter dated 23-12-83 stating that the petitioner could address the President of India, for his consideration. The authority failed to consider his case properly. The petitioner produced the community certificate and the School certificate from Corporation Boys High School, Purusawalkam at the time of joining the service. The railway administration deliberately failed to produce the certificate. The petitioner has been victimised. Fabricated documents were used against him in an illegal manner. The findings are perverse. The punishment is improper. The petitioner may be ordered to be reinstated with all benefits.

5. The respondent filed the following Counter.—The reference itself is bad. The Government has no jurisdiction to make a reference in respect of an employee who is protected by the Article 311 of the Constitution of India. The petitioner is not a workman coming under the definition

of the Industrial Disputes Act, nor the respondent is the employer. The petitioner is not an Industrial employee and is not entitled to invoke the provisions of Section 2-A of the Industrial Disputes Act, 1947 and seek the reference. Therefore, the reference is liable to be rejected. The question whether the punishment imposed in respect of a Government servant is excessive or not cannot be gone into by this Tribunal, once it is proved that the employee is guilty of charge.

6. In the application form the petitioner stated that he had passed 7th standard and produced the record sheet purported to be issued by the Head Master, St. Michel Higher Elementary School, Perambur, Madras. He also stated that he belonged to Kattu Naicken Community, which is a Scheduled Tribe. This respondent addressed a letter to the Head Master, St. Michel Higher Elementary School, Perambur to verify the correctness of the statement, and that letter returned undelivered, stating that there is no such address at Perambur. On investigation it is found that petitioner had studied in the Corporation High School, Purasawalkam, Madras upto 9th Standard. The Head Master of the said school has replied to the respondent stating that the petitioner was admitted in the 6th standard in June 1970, studied till 9th standard and left the school on 30-1-75, and that he belongs to Vanniyar Kula Kshatriya Community. A charge sheet dated 22-7-81 was issued to the petitioner and the petitioner submitted his explanation dated 3-8-81. In the enquiry, the petitioner was assisted by a defence helper of his choice. In the enquiry the petitioner stated that he produced a false school certificate from St. Michel Higher Elementary School, Perambur that he studied only in Corporation Boys School, Purasawalkam, and that in the school certificate his community was mentioned as Vanniyar Kula Kshatriya, though he denied that statement. The petitioner was unable to produce his community certificate from local Tahsildar. The Enquiry Officer found that the charge against him that he produced a false certificate had been established. But, on an erroneous view the enquiry officer held that the charge that the petitioner had falsely stated that he belonged to Kattu Naicken Community had not been proved. The competent authority disagreed with the Enquiry Officer in regard to the said charge and held that in as much as the petitioner did not produce the required community certificate from the local Tahsildar it cannot be said that he belongs to Kattu Naicken Community, and that the charge had been proved. Therefore, the penalty advice removing the petitioner from service was issued. The appeal filed by the petitioner to the Appellate Authority confirmed the order of punishment. He was making certain representation to the Chief Mechanical Engineer, who also did not agree to make any change in the penalty. Removal of the petitioner is justified. He had produced a false school certificate to secure employment by fraudulent means on the quota fixed for Scheduled Caste/Scheduled Tribe community. The allegation that the petitioner belongs to Hindu Kattu Naicken Community is incorrect. He produced a community certificate to substantiate the same. But, on investigation in respect of the so called certificate produced by him from the Tahsildar, Saidapet it was found that the petitioner belonged to Hindu Vannia Kula Kshatriya community, which is not a Scheduled Tribe. The Tahsildar himself has stated that there is no such Kattu Naicken Community in Saidapet Division. The Tahsildar after detailed enquiry cancelled the community certificate. Therefore, the petitioner cannot rely upon the certificate alleged to have been issued by the Tahsildar, Saidapet. It is false to allege that misunderstandings developed between the petitioner and the higher authorities due to communal hatred of the authorities, or that the petitioner was treated with contempt by the officers and they started illtreating him, or that they determined to ruin his career, and hence they foisted false charges. The allegations that the petitioner was summoned all of a sudden before the Vigilance Inspector and that he obtained signatures and statements from the petitioner, that the petitioner was unable to resist the intimidation and coercion are untenable. The further allegation that he was overwhelmed and overpowered, assaulted and manhandled are false. During the enquiry, the petitioner stated that he would produce certificate from local Tahsildar within 15 days time. The enquiry was adjourned from 5-2-82, to 23-2-82 for the purpose and on 24-3-82, and at that time stated that he had applied to local Tahsildar, and he would produce the same.

But no such certificate was produced. So, the enquiry was concluded, and the Enquiry Officer submitted his report on 11-5-82. It is now alleged that the certificate was given to him only on 29-8-83, subsequent to the punishment. The petitioner could not rely on the same. The order of removal is valid. There was no violation of rules. No allegation of violation of principles of natural justice and denial of reasonable opportunity was made at the enquiry. The allegations that the findings are perverse and that the punishment is improper and illegal are false. Therefore, the Industrial dispute may be dismissed.

7. The petitioner filed a reply statement as follows.—The contention that the reference is bad, that it lacks jurisdiction, and that this Tribunal has no jurisdiction to question the quantum of punishment are baseless. The document as if he studied in the St. Michel Higher Elementary School, Perambur is fabricated by the Vigilance department. The petitioner's father has given his community as Hindu Vanniar Kula Kshatriya to avoid communal harassment. The certificate issued to his two sisters and the brother clearly indicate that they belong to the Kattu Naicken Community. The respondent has exerted undue influence on the Tahsildar and obtained a letter stating that there is no Kattu Naicken Community in Saidapet. In the Domestic Enquiry, the Enquiry Officer started marking the so called certificate issued by the Tahsildar and Head Master without examining them in spite of Petitioner's objection, and they were relied upon by the Enquiry Officer and the punishing authority. The Enquiry Officer declared that the petitioner was not guilty of the charge that he produced false certificate but the punishing authority disagreed with him. The Punishing authority insisted upon the production of latest community certificate from Tahsildar. But before the same could be received, orders were passed imposing punishment, and it was confirmed by Appellate Authority. This is due to the bias and prejudice of the Vigilance Officer and the Punishing Authority. It was held that the petitioner is guilty of the charges. The enquiry was a farce and the punishment is illegal. The Certificate from the St. Michel Higher Elementary School is fabricated by the Vigilance department to foist the case against the petitioner. Signature of the petitioner was obtained during the course of the so called investigation and enquiry by coercion and threat.

8. The issues that arise for consideration in this Industrial Dispute are :—

1. Whether the petitioner produced a false school certificate from St. Michel Higher Elementary School, Perambur at the time of joining the respondent's service.
2. Whether the petitioner belongs to Kattu Naicken Community or whether that statement is false.
3. Whether the enquiry that was conducted against the petitioner was biased or prejudiced and so in violation of principles of natural justice.

9. Points 1 to 3.—The Petitioner was appointed as a Khalasi in the respondent's service on 2-6-77, against the Scheduled Caste and Scheduled Tribe quota. The petitioner contends that he belongs to the Kattu Naicken community, whereas the respondent contends that the petitioner does not belong to the Kattu Naicken community but had produced false certificates at the time of his entering the service. I will first consider whether the petitioner had produced a false certificate from the St. Michel Higher Elementary School Perambur. The copy of the application filled by the petitioner seeking a job with the respondent has been marked as Exhibit M-1. Exhibit M-1 shows that the petitioner had stated therein that he belongs to the Kattunaicken community which is a Scheduled Tribe. Against column 17 as to whether he had attached the certificate in proof of his educational qualification, the petitioner had ticked the answer 'Yes' and deleted the answer 'NO'. Similarly with regard to the community certificate as against column 19 he has similarly ticked the answer 'Yes' and scored out the answer 'NO'. Alongwith exhibit M-1, the petitioner had submitted a certificate from the school. The petitioner who examined himself as WW1 before this Court attempted to feign ignorance if Exhibit M-1 was the application given by him at the time of his joining the respondent's service. But, when

he was recalled and examined in cross, he admitted that the signature in Ex. M-1 is his own signature though, he stated that he did not remember whether it was his application for job. But he stated that he did not fill up this application and the said form was filled up by one Balaraman, who was a Clerk in the Integral Coach Factory. He had stated that he does not know what is mentioned in Exhibit M-1. Of course, Exhibit M-1 is in English. But, even if it was filled by someone else it is improbable that someone who filled it up would have written something which was not mentioned by the petitioner, 11 that is so, the petitioner must prove it, which he has not done. When his attention was drawn to the answers to Column 17 and 19 mentioned above he merely stated that he does not know about it. He did not say that it was not done. He stated that along with that application (Exhibit M-1) he had given the Transfer Certificate given by the Boys High School, Gangadheeswaran Koil St., Purasawalkam, Madras, where he had studied upto 9th standard. According to him, it is the transfer certificate from Boys High School of Purasawalkam which he had produced alongwith his application Exhibit M-1. The transfer certificate has already been marked as Exhibit W-36. The petitioner even went to the extent of stating that the original of this certificate Exhibit W-36, which was handed over to the respondent, was not produced by the respondent in spite of his request and therefore, he had to obtain this duplicate, which is marked as Exhibit W-36. If what the petitioner says is correct, and if he had produced the original of Ex. W-36 alongwith Exhibit M-1 (the application for a job) it is definite that the petitioner would not have got the job. As pointed out already, the petitioner was appointed against the Scheduled Tribe quota. He has mentioned in his application that he belongs to the Scheduled Tribe and to the Kattu Naicken Community (Columns 10 and 11). But, Exhibit W-36, the transfer certificate from Corporation School, Gangadheeswaran Koil Street, Purasawalkam states that the petitioner belongs to Vanniar Kula Kshatriya community, which is not a Scheduled Tribe. Therefore, if the original of W-36 had been produced at the time of appointment alongwith Exhibit M-1 then the petitioner would not have been given a job against the Scheduled Tribe, quota, and therefore, it is obvious that he could not have produced Ex. W-36 at that time. It is clear that the petitioner has no regard for truth at all. The respondent has produced Exhibit M-2 the copy of the record sheet of St. Michel Higher Elementary School, Perambur wherein he has been shown to belong to Kattunaicken community. The petitioner stated in his evidence before this Court that he did not produce the same. The allegation in the reply statement filed by the petitioner that the Vigilance department had fabricated this document cannot be true, and has not been established also. On the contrary during the domestic enquiry the petitioner has admitted before the enquiry officer that it is true that he produced a false school certificate from St. Michel Higher Elementary School at the time of appointment (Ex. M-6). But the petitioner attacks the Enquiry Officer and states that some false statements have been recorded in the enquiry proceedings. I have already pointed out that the petitioner is a person who has no regard for truth, and his statement attacking the enquiry officer stating that some false statements have been recorded cannot at all be accepted, especially, when the petitioner had the assistance of a defence counsel at the time of the enquiry. It is clear that it is only the petitioner who had produced Exhibit M-2, the false Transfer Certificate at the time of applying for the job in order to get a job against the Scheduled Tribe quota. Because only in Exhibit M-2 he has been described as belonging to the Kattu Naicken community whereas, in W-36 he has been shown to belong to Vanniar Kula Kshatriya community, which is not a Scheduled Tribe.

10. The contention of the petitioner is that the Original of Exhibit W-36 must be with the respondent, as otherwise the petitioner could not have known that there is such a certificate, and could not have charged the petitioner accordingly. But, the petitioner forgets that the respondent had made an investigation through its Vigilance Department. The petitioner is even alleged to have given a statement under M-6 dated 28-2-90. The Charge sheet Exhibit W-3 is dated 22-7-81. Therefore, this contention of petitioner cannot be accepted.

11. The next charge against the petitioner is that he falsely stated that he belongs to Kattu Naicken community whereas, he belongs to Vanniar Kula Kshatriya community. As pointed out already, Exhibit M-2 says that he belongs to the Kattu Naicken community. But, I have already found that it is a false certificate. There is also a Transfer certificate from the Corporation Boys High School (Ex. W-36) which is marked by the Petitioner himself, wherein the petitioner has been shown to belong to Vanniar Kula Kshatriya community. But, the enquiry officer while finding that the petitioner is guilty of the charge of having produced false school certificate at the time of his joining did not find him guilty of having falsely stated that he belonged to Kattu Naicken community. But the disciplinary authority while concurring with the enquiry officer on his finding that the petitioner is guilty of charge that he produced false second certificate, disagreed with the finding of the enquiry officer that the respondent was not guilty of falsely stating that he belongs to Kattu Naicken community. The reason given by the disciplinary authority in Exhibit M-10 the penal order shows that the petitioner had not produced the community certificate from the local Tahsildar, the required community certificate. Of course at the time when the penal order M-10 was passed the petitioner had not produced the certificate. Because, according to him even though he had applied for the community certificate from the concerned Tahsildar, they had to verify to give a certificate and actually they gave the certificate only on 29-3-83, which has been marked as W-25. Though, the petitioner had produced two community certificates marked as Exhibit W-1 dated 12-5-76 issued by the Deputy Tahsildar, Saidapet, and Ex. W-2 issued by the Tahsildar, Egmore, Nungambakkam, the petitioner was asked to produce a certificate from the concerned Tahsildar of his locality. The petitioner's address is Valluvapandaram St., Otteri, Madras-12. Exhibit W-1 is a certificate issued by the Deputy Tahsildar, Saidapet, while Ex. W-2 is issued by Tahsildar, Nungambakkam. When he was asked as to why he has produced this certificate from Tahsildar Saidapet Taluk though he resided at Madras-12 the petitioner replied in the domestic enquiry that his relatives are residing at Korattur and at their instance he got the community certificate from Tahsildar, Saidapet Taluk. That is how he produced certificate from the Tahsildar office within whose jurisdiction he did not reside. He was asked to produce certificate from the local Tahsildar. Apart from that, the Tahsildar Saidapet Taluk, on an enquiry by the respondent stated in Exhibit M-10 that the certificates need not be acted upon, and the community Kattu Naicken is not in existence in Saidapet Taluk at all. This is also one of the reasons why the petitioner's contention that he belongs to Kattu Naicken community was not accepted. But, the petitioner takes exception to the relying upon this document without the concerned Tahsildar being examined. Already the Deputy Tahsildar had issued a certificate Ex. W-1 that the petitioner belongs to Kattu Naicken community. If the Tahsildar wants to say that it should not be relied upon and it is not a proper certificate then before stating so, which in terms amounts to cancellation of the earlier certificate Ex. W-1, the Tahsildar should have given an opportunity to the petitioner to say as to why the earlier certificate Ex. W-1 should not be cancelled or before certifying that it should not be acted upon. But, the Tahsildar, had not done so. Apart from that Tahsildar has not been examined as witness for marking Ex. M-10. This is only a letter written by the Tahsildar and is not a certificate and therefore Exhibit M-10 cannot be stated to be a public document. Exhibit W-25 shows that the Tahsildar, Purasawalkam and Perambur has issued the certificate saying that the petitioner belongs to Kattu Naicken community. This court cannot decide whether it is correct or not, unless it is cancelled by the Tahsildar properly. This Court cannot say that it should not be relied upon. Therefore, in these circumstances, I am of opinion that the second charge against the petitioner that he falsely stated that he belongs to Kattu Naicken community has not been established. Although, Exhibit W-36, the transfer certificate of Corporation Boys High School, Purasawalkam, mentions that the petitioner belongs to Vanniar Kula Kshatriya community the petitioner gives the explanation, that to avoid harassment by the other students, it has been stated so. But there is a certificate issued by a competent authority that the petitioner belongs to Kattu Naicken community and hence the second charge against the petitioner has to fail.

12. In view of my finding that the charge against the petitioner that he produced a false school certificate allegedly from St. Michel Higher Elementary School is only proved, the question is whether the punishment of dismissal meted out to the petitioner is just or proper? Even though, the petitioner had shown by producing a community certificate that he belongs to Kattu Naicken community the intention of producing Exhibit M-2, that is the record sheet from St. Michel Higher Elementary School as if the petitioner studied there and belongs to Kattu Naicken community was to get job against the Scheduled Tribe quota. Had he produced the Exhibit W-36 he would not have got the job against that quota because W-36 shows his community as Vanniar Kula Kshatriya. Therefore, producing a false record sheet that too with an intention to get a job under a particular communal quota is certainly a misconduct for which the punishment of dismissal is warranted. Therefore, I find that the punishment of dismissal awarded to the petitioner is not liable to be set aside.

Therefore, I find that the action of the respondent in removing the petitioner from service is justified and that the petitioner is not entitled to any relief. The award is passed accordingly. No costs.

Dated, this 30th day of July, 1993.

THIRU K. SAMPATH KUMARAN, Industrial Tribunal

WITNESSES EXAMINED

For Workman :

WW-1—Thiru R. Selvam (Petitioner-Workman)

WW-2—Thiru R. Karunakaran.

WW-3—Thiru S. Kannan.

For Management :

MW-1—Thiru K. Venkataraman.

DOCUMENTS MARKED

For Workman :

Ex. W-1/12-5-76—Community certificate issued to the Petitioner-workman by Deputy Tahsildar, Saidapet. (Xerox copy).

Ex. W-2/-3-77—Community certificate issued to the Petitioner-workman by Tahsildar, Egmore-Nungambakkam Taluk, Madras-8 (Xerox copy).

Ex. W-3/22-7-81—Charge sheet issued to the Petitioner-Workman (Xerox copy).

Ex. W-4/-1-82—Notice of enquiry and order appointing Enquiry Officer (Xerox copy).

Ex. W-5/5-2-82—Enquiry Notice issued to the Petitioner-Workman (Xerox copy).

Ex. W-6—Proceedings of the Enquiry Officer (Xerox copy).

Ex. W-7/17-2-82—Enquiry Notice (Xerox copy).

Ex. W-8/17-3-82—Enquiry Notice (Xerox copy).

Ex. W-9/16-8-92—Letter from the Management to the Petitioner-Workman directing to produce community certificate (Xerox copy).

W-10/15-19-10-92—Penalty order issued to the Petitioner Workman (Xerox copy).

WW-11/2-12-92—Appeal preferred by the Opposite party against penalty advice (Xerox copy).

Ex. W-12/19-1-82—Order of Addl. Chief Mechanical Engineer rejecting the appeal of Petitioner-Workman (Xerox copy).

Ex. W-13/6-5-83—Representation-Letter of Petitioner-Workman addressed to the Chief Mechanical Engineer (Xerox copy).

Ex. W-14/4-6-83—Reply by the Chief Mechanical Engineer to Ex. W-13.

- Ex. W-15/12-9-83—Appeal to the General Manager, I.C.F., by the Petitioner-Workman against 'Penalty advice' (Copy).
- Ex. W-16/23-12-83—Communication from the General Manager to the Petitioner-Workman advising him to address H.E. the President of India (Xerox copy).
- Ex. W-17/9-3-84—Letter from the Petitioner-Workman to the Hon'ble Minister for Railways, New Delhi (copy).
- Ex. W-18/3-4-84—Letter from Addl. Private Secretary to Minister for Railways, New Delhi to Dr. A. Kulandhi, Member of Parliament acknowledging the application of Petitioner-Workman (Xerox copy).
- Ex. W-19/18-12-84—Letter from the Director for Scheduled Castes and Scheduled Tribes, Madras to the Management regarding reinstatement of the Petitioner-Workman (Xerox copy).
- Ex. W-20/27-2-85—Letter from Deputy Director, Commissioner for Scheduled Castes and Scheduled Tribes New Delhi (Xerox copy).
- Ex. W-21/18-5-85—Letter from the Director, for Scheduled Castes and Scheduled Tribes, Madras-6 to Thiru P. Ramamoorthy, (Xerox copy).
- Ex. W-22/6-9-85 Series—Advocate's notice to the Management, Postal receipt and acknowledgment.
- Ex. W-23/27-3-87—Order of Central Administrative Tribunal, Madras Bench in O.A. No. 365/86 (Xerox copy).
- Ex. W-24/27-4-87—Order of Central Administrative Tribunal, Madras Bench in T.A. No. 620/86 (Xerox copy).
- Ex. W-25/29-8-83—Community certificate issued to the Petitioner-Workman by Tahsildar, Purasawalkam, Perambur Taluk, Madras-7 (Xerox copy).
- Ex. W-26/29-8-83—Community Certificate issued to Thiru R. Krishnamurthy by Tahsildar, Purasawalkam Perambur Taluk, Madras-7 (Xerox copy).
- Ex. W-27/15-10-84—Letter from Organising Secretary, South Arcot De-notified Tribes Federation, Madras-12 to the Management requesting to reinstate the Petitioner-Workman in service.
- Ex. W-28/10-7-85—Transfer Certificate of Thiru R. Karunakaran, issued by Corporation High School, Gangadheeswaran Koil Street, Madras-84.
- Ex. W-29/9-4-90—Letter from Person in charge of Government Museum, Cuddalore to the Director, Government Museum, Madras-8.
- Ex. W-30—Empty Cover.
- Ex. W-31/26-3-90—Letter from District Registrar addressed to the President, Kattunaicken (Pazhangudi-yinar) Samooga Nala Munnetra Sangam, enclosing Inspection report.
- Ex. W-32/1-4-91—Letter from Government Museum, Cuddalore to the President, Tamilnadu Kattunaickar Malaivazh Tribal Samooganala Munnetra Sangam, Thirukkoilur.
- Ex. W-33—Publication in the newspaper "Dhinamalar" Pondicherry Edition, dated 10-5-91.
- Ex. W-34—Publication in the newspaper "Thinamalar" Pondicherry Edition, dated 30-6-91.
- Ex. W-35/19-6-91—Letter from Government Museum to the President, Tamilnadu Kattunaickar Malaijathi Tribal Samooganala Munnetra Sangam, Thirukkoilur.
- Ex. W-36/4-1-84—Duplicate transfer certificate of the Petitioner-Workman issued by Corporation High School, Gangadheeswaran Koil Street, Purasawalkam Madras-84.

For Management :

- Ex. M-1 9-3-77—Application of Thiru R. Selvan for recruitment to Class IV Posts (Khalasi/Sanitary Cleaner) in I.C.F. (Xerox copy).
- Ex. M-2/22-8-72—Record-Sheet of the Petitioner-Workman issued by Michel Higher Elementary School, Perambur, Madras-11 (Xerox copy).
- Ex. M-3/31-5-77—Form of Oath and declarations by the Petitioner-Workman (Xerox copy).
- Ex. M-4/12-5-76—Community certificate of the Petitioner-Workman issued by Deputy Tahsildar, Saidapet (Xerox copy).
- Ex. M-5/2-4-77—Community certificate of Petitioner-Workman issued by Tahsildar, Egmore-Nungambakkam Taluk, Madras-8 (Xerox copy).
- Ex. M-6/28-2-90—Statement of the Petitioner-Workman (Xerox copy).
- Ex. M-7—Xerox copy of returned cover addressed to the Head Master Corporation Elementary School, Otteri, Madras-12.
- Ex. M-8—Xerox copy of returned cover addressed to the Head Master of Michel's High Elementary School, Perambur, Madras-11.
- Ex. M-9/4-3-80—Letter from the Head Master, Corporation Boys High School, Gangadheeswaran Koil Street, Purasawalkam, Madras to the Management furnishing the date of birth, date of admission, date of leaving, religion and caste and the class in which the petitioner-workman was studying at the time of leaving of school (Xerox copy).
- Ex. M-10/30-11-80—Letter from Tahsildar, Saidapet to the General Manager (Vigilance), I.C.F. Madras 38 (copy).
- Ex. M-11—Extract of Page 78 (46-A), Vigilance Manual Vol. II/Part II of Home Ministry's O.M. 5/1/65-1stt. (D) dated 30-4-65 (Copy).
- Ex. M-12—Railway Board's letter No. E(SCT) 57 (CM-1/10) dated 15-2-58 (Xerox copy).
- Ex. M-13—Railway Board's letter No. 78-E(SCT)/15/29 dated 12-7-78 (Xerox copy).

Sd/- Industrial Tribunal

नई दिल्ली, 3 नवम्बर, 1993

का.सं. 2561:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कौटोन्मेंट बोर्ड, दानापुर के प्रबन्धकों के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण नं. 2 धनवाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-11-93 को प्राप्त हुआ था।

[एल-13012/6/91-आई आर (डीयू) (पं.टं.)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 3rd November, 1993

S.O. 2561.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2 Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Cantonment Board, Danapur and their workmen, which was received by the Central Government on 2-11-1993.

[L-13012/6/91-IR (DU) (Pt.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Sri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

Reference No. 155 of 1991

PARTIES :

Employers in relation to the management of the Cantonment Board, Danapur and their workmen.

APPEARANCES :

On behalf of the workmen—Shri D. Mukherjee, Advocate.

On behalf of the employers—Shri J. K. Pradan and Shri P. K. Das, Advocates.

STATE : Bihar INDUSTRY : Cantonment Board
Dhanbad, the 18th October, 1993

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-13012/6/91-I.R. (D.A.) dated, the 19th November, 1991.

SCHEDULE

"Whether the action of the management of the Cantonment Board, Danapur in terminating the service of workman Shri Md. Quasimuddin, w.c.f. 14-8-85 is justified? If not, what relief is he entitled to?"

2. As per terms of the reference the action of the management of Cantonment Board, Danapur (hereinafter referred to as Board) has been challenged in terminating the services of Shri Md. Quasimuddin with effect from 14-8-85.

3. The concerned workman claims to have been appointed by the Board as Ward Jamadar/Peon vide letter dated 24-3-84 and since then he has been working to the best satisfaction of the management. But all of a sudden and without assigning any reason he was stopped from his work on 14-8-85. It was stated that the stoppage without notice or notice pay was against the statutory provision under Section 25-F of the I.D. Act. It was stated further that the concerned workman was in continuous service within the meaning of Section 25-B of the I. D. Act and he had completed 240 days attendance in a calendar year. In the W.S. it was contended that much after the termination of the services of the concerned workman the management Board appointed a number of persons as Safaiwala, Chowkidar and Peon during the year 1986, 1988 and 1989 without going into the formalities of recruitment rules in as much as their names were also not sponsored by the Employment Exchange Office. The case of the concerned workman was not considered and he was stopped. In this view of the matter the concerned workman has claimed reinstatement with full back wages.

4. The management resisted the claim of the concerned workman, filed W.S. and stated that he was appointed on purely temporary basis on daily wage which was to be terminated without giving any notice or assigning any reason. Admittedly, the services of the concerned workman was terminated on 14-8-85 for he was found unsuitable and did not fulfil requisite qualification under the procedure of Cantonment Fund Servant Rules, 1937. His name was also not sponsored by the Employment Exchange Office. No vacant and sanctioned post was available with the Board when the services of the concerned workman was terminated.

5. The management denied that the concerned workman was in continuous service and he had completed 240 days attendance in a calendar year. It was further denied that a number of persons were appointed as Safaiwala, Chowkidar and Peon during the year as claimed by the concerned workman and without observing the formalities of the selection. It was stated that the persons who were appointed by the Board were suitable candidates and had qualification as required under the Cantonment Fund Servant Rules, 1937 and they were appointed against sanctioned and vacant posts. Initially they were appointed on daily wage basis along with the concerned workman. On this ground it has been submitted that the concerned workman has got no case and he is not entitled to any relief.

6. The point for consideration is as to whether the concerned workman can be reinstated in the service with full back wages.

7. Admittedly, the concerned workman was appointed as Sanitary Jamadar on 24-3-84 and his services were terminated on 14-8-85 say after one and half year of his service. According to the management his appointment was on daily wage basis. It was stated that the concerned workman was not found suitable to be retained in the service for he did not fulfil the requisite qualification as required under the aforesaid rules. Some other daily wage workers were retained because they fulfilled the required qualification. Surprising enough nothing has been mentioned in the W.S. nor any evidence has been led as to what were those necessary qualifications and how and in what manner the concerned workman was falling short of those qualifications. Definitely the reference has been made to the Cantonment Board Fund Service Rules, 1937. Section 5(B) of the rule is relevant wherein it has been laid down that the names should be sponsored by the Employment Exchange Office. No person below 18 years of age and above 25 years of age be taken into employment. The age in certain circumstances was to be relaxed by the Officer Commanding-in-Chief. The person must be held medically fit. No mention has been made as to which of these qualifications the concerned workman was lacking. Of course, it is stated that his name was not sponsored by the Employment Exchange Office. It may be mentioned here that the concerned workman had already rendered satisfactory services to the Board for more than one and half year and had acquired sufficient experience in the job he was doing. In such circumstances, the sponsoring of his name from the Exchange Office, in my opinion, was not very necessary.

8. It is also stated that there was no vacant and sanctioned post against which the concerned workman could have been adjusted. In this connection the evidence of Shri K. Pathak, MW-2 with reference to Ext. M-1 may be looked into. The witness stated by going through Ext. M-1 that the concerned workman was engaged on daily wages as Conservancy Jamadar in the month of August, 1984 against vacant post. Ext. M-1 is the office order dated 2-8-84 issued by the Cantt. Executive Officer, Danapur Cantonment, Danapur. The photo copy has been marked Ext. M-1. The office order runs as follows :—

"The following under noted are hereby engaged on daily wages as conservancy Jamadar in the month of August, 1984 against vacant posts. They will be paid wages @ Rs. 10 per day.

1. Sri Julian Munjoy.
2. Md. Kashimuddin.
3. Sri Rajendra Prasad.

9. This document under Ext. M-1 alone is sufficient to show that prior to August, 1984 there were vacant post against which the concerned workman and others were engaged. MW-2 has further proved Ext. W-2 which was the photo copy of the retirement notice given to one Md. Hassan, Conservancy Jamadar informing him that he was to superannuate on 29-2-84 on attaining the age of superannuation. The document goes to show that in February, 1984 a regular vacancy in the post of conservancy Jamadar had already occurred. It may be mentioned here that the concerned workman was appointed on 24-3-84. It is the case of the concerned workman that he was appointed against the vacancy caused by the retirement of Md. Hassan. The

concerned workman WW-1 has stated in his cross-examination that he was aged 18 years at the time of his appointment. There is nothing to show that he was found medically unfit for the job.

10. It may be important to refer Ext. W-3 dated 27-11-90 which is the photo copy of the parawise comment of the petition dated 12-10-90 filed by the concerned workman. The comment was addressed to the RLC (C), Patna. Here it may be mentioned that on 12-10-90 the concerned workman had written to the RLC (C) Patna with the request to put him on the roll of Board for the reasons stated in his petition. That photo copy of the letter is Ext. W-5. Ext. W-3 states that the petitioner was employed on daily wages with effect from March, 1984 to August, 1985 with one or two days break in a month. From this document of the management it is well established that the concerned workman was on duty almost every day in a month except one or two days break. This means he worked for more than 25 days in every month. In face of this document the evidence of Shri Lalit Prasad, MW-1 that the concerned workman worked for 10 to 12 days in a month falls to the ground like house of cards. From the document it is well proved that he worked for more than 240 days in a calendar year. He was in continuous service within the meaning of Section 25-B of the I. D. Act. The word "continuous service" has been defined under Section 25-B of the I. D. Act which reads as follows :—

"(1) a workman shall be said to be in continuous service for a period of he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman ;

(2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer—

(a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—

(i) one hundred and ninety days in the case of workman employed below ground in a mine and

(ii) two hundred and forty days in any other case

11. Thus from the above definition it is clear that twelve calendar months have to be counted preceding the date of termination. Thus it is well proved that the concerned workman was in continuous service for more than a year and had also completed 240 days attendance in a calendar year. In the circumstances the provision of Section 25-F comes into play which may be reproduced as follows :—

"No workman employed in any industry who has been in continuous service for not less than one year, under an employer shall be retrenched by that employer until—

(a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice ;

(b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days average pay (or every completed year of continuous service) or any part thereof in excess of six months ; and."

The provisions are statutory and its non-compliance would vitiate the termination. Admittedly there was no compliance, of the provision under Section 25-F of the I. D. Act. The learned counsel for the workmen relied upon the authority

reported in 1976 LLJ Vol. 1 at page 478 wherein their Lordships held as follows :—

if the workman swims into the harbour of S. 25-F, he cannot be retrenched without payment at the time of retrenchment compensation as prescribed therein read with Section 25-B (2)."

The learned counsel for the management placed certain authorities as reported in AIR, 1990 under SC, Page 2054, 1992 Supreme Court Cases page 489, 1992 SCC page 241, 1993 VII Bihar Law Journal Page 55 and AIR, 1992 Supreme Court weekly page 616. All the authorities referred to by the learned counsel relate to the regularisation of the services but here in the instant case the concerned workman is demanding reinstatement.

I have considered every aspect of the matter and in my considered view the action of the management in terminating the services of the concerned workman with effect from 14-8-85 is not justified. Thus the concerned workman deserves reinstatement but there will be no order as to back wages. The management is directed to reinstate the concerned workman at his original job within two months from the date of publication of the Award.

B. RAM, Presiding Officer

नई दिल्ली, 3 नवम्बर, 1993

सा.अ. 2562:- आद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रमाण में, केन्द्रिय सरकार अधीनस्थ, देहरादून (वैस्ट) देहरादून के प्रबंधन के मजदूर नियोजकों और उनके कर्मचारियों के बीच, प्रमुख में निविष्ट आद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रतिक्रिया नई दिल्ली के पंचायत को प्रकाशित करती है, जो केन्द्रिय सरकार को 1-11-93 का प्राप्त हुआ था।

[एन-40012/29/90-नई आर (डयू) (पट.)]

क.व.वा. उज्ज्वी, उच्च अधिकारी

New Delhi, the 3rd November, 1993

S.O. 2562. -In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Director Telecom (West), Dehradun and their workmen, which was received by the Central Government on the 1-11-1993.

[1-40012/29/90-IR(DU)(Pl.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 54/91

In the matter of dispute between :

Shri Rajesh Kumar s/o Shri Ram Niwas, r/o 117, Kanwali Road, Behind Police Chowki, Dehradun-232116.

Versus

The Director, Telecommunication (West) 7, Laxmi Road, Dehradun-248001.

APPEARANCES:

Shri R. P. Goyle for the workman.

Shri N. S. Mall T.O. Grade II for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. 40012/29/90-I.R. (D.U.) dated 20/30-11-90 has

referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of Director, Telecommunication, Dehradun in terminating the services of Shri Rajesh Kumar, S/o Shri Ramniwas w.e.f. 18-9-1989 is justified? If not, to what relief he is entitled to?"

2. Shri R. P. Goyle representative for the workman made statement that he had sent repeated reminders by registered post and personally intimated the workman but the workman was not coming to follow the case. He had no instructions from the workman and it appears that he was not interested to pursue the case. He further stated that the case may be treated as closed.

3. In view of this statement of the representative for the workman no dispute exist between the parties. I, therefore, pass no dispute award in this case leaving the parties to bear their own costs.

GANPAT SHARMA, Presiding Officer
28-10-93

नई दिल्ली, 3 नवम्बर, 1993

का.प्र. 2563.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 11) की धारा 17 के अन्वय में, केन्द्रीय सरकार दक्षिण रेलवे के प्रमुखतः के संयुक्त नियोजकों और उनके कर्मचारों के बीच, अन्वय में निम्नलिखित औद्योगिक विवाद में औद्योगिक अधिनियम मद्रास के पत्रपत्र को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-11-93 को प्राप्त हुआ था।

[एन-41012/35/88-डी-2 (बी) (प.ट.)]

के.वी.बी. उण्णी, हेड ऑफिसर

New Delhi, the 3rd November, 1993

S.O. 2563.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Southern Railway and their workmen, which was received by the Central Government on the 1-11-93.

[I-41012/35/88-D.II(B)(Pt.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL
NADU MADRAS

Friday, the 30th day of July, 1993

PRESENT:

THIRU K. SAMPATH KUMARAN, B.A.B.L., INDUST-
RIAL TRIBUNAL

INDUSTRIAL DISPUTE NO. 78/90

(In the matter of reference for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Southern Railway, Madras).

BETWEEN

Thiru S. Easiah, S/o, Siraiya, 2, Manimegalai Lane,
Back House No. 4, Mohan St., East Tambaram,
Madras-59.

AND

The General Manager, Southern Railways, Park Town,
Madras-600001.

REFERENCE:

Order No. L-41012/35/88-D.II(B), dated 28-9-90/4-10-90 of the Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on Thursday, the 15th day of July, 1993 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiruvalargal T. Fenn Walter, W. Fredrick Castro, Egber and M. Srinivasan, Authorized representatives for the workman and of Thiruvalargal V. R. Gopalan and G. Gunasekaran, Advocates appearing for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following.

AWARD

This is a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 by Government of India, Ministry of Labour, by its Order dated 28-9-90. This reference relates to a dispute between Easiah and the General Manager of the Southern Railways, and has been made for the adjudication of the following issue:

"Whether the claim of Shri Easiah, Ex. Sanitary Cleaner of Southern Railway for reinstatement into service with continuity of service, backwages and other attendant benefits is justified? If so, what relief the workman is entitled to?"

1. The allegations in the claim statement of the petitioner are as follows :

The petitioner entered service as a Sanitary Cleaner on 9-7-1957 and was working under the control of Medical Officer, Health Unit, Tambaram. At the time of his entering the service, he was not called upon to produce any document to support his date of birth. The petitioner studied upto 2nd standard, and the form itself was filled up by some other person. It is not known as to what date the respondent had entered as his date of birth, while he entered the service. The railways arbitrarily entered his date of birth as 20-5-1929 without any basis in the service book, which will not bind the petitioner. The petitioner came to know of it during January 1987, when he was notified about the date of his retirement. Immediately he applied on 18-2-1987 for alteration of his date of birth. But, on 1-5-1987 petitioner received a letter calling upon him to produce the extract from the register of births and the petitioner has also submitted the same. (Obtained from the Mandal Revenue Office, Kanigiri). The Petitioner also submitted a certificate from the School in which he studied, which also shows his date of birth as 30-6-1931. Though, the said documents were received by the Railways on 6-4-1987 the railways retired him from service on and from 31-5-1987, without considering his appeals for alteration of date of birth. The railways have rejected his appeal for alteration of date of birth on the ground that it is highly belated (as it was submitted after 31-7-73 and therefore, cannot be considered. According to the notification, No. E(NG) 1-86, BR-7 of 13-10-86 from the Railway Board, representations from illiterate staff can be entertained even after 31-7-1973, and so the petitioner is entitled to apply for the alteration of date of birth even after 31-7-1973, since he is an illiterate having studied only upto 2nd Standard. He is entitled to the benefits of the notification dated 13-10-86 and therefore, entitled to continue in service upto 30-6-1989. His retirement from service without considering the records submitted by him and without giving him any notice, is a violation of Article 311 of the Constitution of India. It is arbitrary capricious and discriminatory. This illegal retirement will amount to illegal retrenchment from the service in contravention of Section 25-F of the Industrial Disputes Act. The Petitioner was drawing a salary of Rs. 1,500 at the time of illegal retirement. The petitioner is entitled to the benefit of wages and other benefits for the period from 1-6-87 to 30-6-89. The order of retirement may be set aside and the benefits, treating his date of birth as 30-6-31, may be awarded.

2. The respondent-railways filed the following counter:

At the time of the initial appointment the petitioner failed to produce any document in support of his date of birth. Hence, the age at the time of the initial appointment was

assessed with his medical fitness by the railways as 28 years on 20th May, 1957, as prescribed under Rule 145(2)(c) of R.I. Hence, his date of birth had been entered as 20th May, 1929. The Petitioner had also signed on the second page of his service register, where the date of birth and other bio-data of the petitioner were entered on 25-5-58. He was super-annuated on 31-5-87 after attaining the age of 58 years. All the dues were received by him. He is also receiving the monthly pension. The allegation that he was not called upon to produce any document in support of his date of birth at the time of his initial appointment is false. As the petitioner failed to produce any document in support of his date of birth, educational qualification etc., no entry is made about his qualification in his service register, and the respondent is not aware of his actual qualification. However, he is able to sign in Telugu, and has also signed accordingly in his service register. Change of date of birth is also not permissible as per 225 IRE C-1 (1985). In the case of illiterate staff the declared date of birth shall be recorded by senior railway servant, witnessed by another railway servant. A person who is not able to declare his age should not be appointed to railway service. In the case of illiterate staff, if the General Manager is satisfied that a clerical error has occurred or where a satisfactory explanation (which should not be entertained after the completion of the probation period or 3 years of service whichever is earlier) of circumstances in which the wrong date got to be entered is furnished by the railway servant the date of birth can be altered. The petitioner had signed on the relevant page where the date of birth has been entered and so, his allegation that he came to know about the entry regarding his date of birth during January, 1987 only when he was notified about his retirement is not correct. After publication of the retirement list, the petitioner applied on 18-2-87 for changing his date of birth as 30-6-31 duly enclosing school certificate and also the birth certificate issued by the President of Panchayat. He was called upon to produce an extract from the register of birth which he has submitted on 25-5-87. The matter was referred to the Chief Personnel Officer, who is the competent authority to take a decision. In the mean while, the petitioner was allowed to retire on 31-5-87. In the mean while, the petitioner had filed a petition under Section 2(A) of the Industrial Disputes Act, before the Assistant Labour Commissioner. The instruction contained in the Railway Board's letter dated 14-10-86 cannot be invoked in this case since these instructions are applicable only to illiterate staff. As the petitioner has studied upto 2nd Standard he cannot be treated as an illiterate. Therefore, retirement of the petitioner on 31-5-87 on his attaining the age of 58 years is in order. Necessary notification about his retirement was issued on 29-1-87 itself. No other notice need to be given to the petitioner. The petitioner was drawing Rs. 980 as basic pay. The total emoluments including D.A., H.R.A., C.C.A. was Rs. 1,333 and not Rs. 1,500. The petitioner is not entitled to the benefits as sought for by treating his date of birth as 30-6-31. Therefore, the petition may be dismissed.

3. The issues that arise for consideration in this Industrial Dispute are :

1. Whether the date of birth of the petitioner is 30-6-31?
2. Whether the petitioner is entitled to have his date of birth altered as 30-6-31 instead of 20-5-29?
3. Whether the petitioner is an illiterate and is entitled to apply for alteration of the date of birth even after 1973?
4. Whether the retirement of the petitioner with effect from 31-5-87 is illegal?
5. Whether the petitioner is entitled to have the order of retirement set aside, and to the consequential benefits?

Issues 1 to 5 :

4. There is no dispute that the petitioner entered the service of the respondent-railways on 9-7-57 as a Sanitary Cleaner. The petitioner was retired from service with effect from 31-5-87 on the basis that his date of birth as entered in the service register of the petitioner is 20-5-1929. The

respondent contends that the petitioner had not furnished any documents in support of his date of birth at the time of his initial appointment, and therefore, his age was assessed as per rules, and his date of birth was entered as 20-5-29. According to the respondent his age was assessed as 28 years on 29-5-57. The respondent also contends that the petitioner has signed in the relevant page of the service register where the date of birth and other bio-data have been entered, but yet the petitioner had not sought for the alteration of the date of birth before the declaration of his probation or within 3 years from the date of entry into service whichever is earlier, by giving a satisfactory explanation as to how a wrong date came to be given.

5. But, the petitioner contends that he is an illiterate having studied upto 2nd Standard only. According to him he knows to speak Tamil, but does not know either to speak, read or write English and that he knows to read and write Telugu. The petitioner contends that even his application form was filled up by somebody else and he did not even know as to what was the date of birth that was entered. The petitioner contends that the respondent railways have arbitrarily entered his date of birth as 20-5-29 and that he came to know of it only when the respondent notified about his retirement during January, 1987. The petitioner contends that he immediately applied for the alteration of the date of birth and also submitted the extract from the register of births, and also School Certificate to show that his date of birth is 30-6-31. The petitioner contends that in spite of that his application for alteration of date of birth was not considered, whereas he was retired from service on 31-5-87. The petitioner contends that he, being an illiterate, is entitled to have his date of birth altered in view of the notification no. F(NG) 1-86 BR-7 dated 13-10-86 from the Railway Board. But the respondent contends that he is not an illiterate entitled to rely upon that notification and so he is not entitled to have the date of birth altered after 1973.

6. This is not a case where the petitioner had given his date of birth at the time of his appointment. Even according to the respondent the petitioner had not produced any document in proof of his date of birth, and therefore, the respondent assessed his age as 28 on 20-5-57, and entered his date of birth 20-5-29. So, the date of birth entered in the service register of the petitioner as 20-5-29 was not the one furnished by the petitioner but was decided by the respondent itself on the basis of the assessment of his age alleged to have been made by the doctor. So, obviously the petitioner did not given his date of birth as 20-5-29.

7. The respondent contends that the petitioner had signed at the relevant page where the date of birth and the other bio-data of the petitioner are contained in the service register, and therefore, he knew even then his date of birth entered as 20-5-29. But, the petitioner contends that he is an illiterate. The contention of the respondent is that petitioner had studied upto second standard and therefore he is not an illiterate. The respondent has not produced the application form presented by the petitioner or the service register of the petitioner maintained by the respondent. If they are produced then we will be in a position to find out if they are in English, or in Tamil or in Telugu or in any other language. The petitioner deposed in his evidence that he does not know to write read or speak English, that he knows only to speak in Tamil, and that he knows only to read and write Telugu. There is nothing to show the contrary. Merely because the petitioner studied upto 2nd standard it cannot be stated that he is a literate who can understand what is written in the application form or his service register. We have to take into consideration the fact that the petitioner was employed only as a Sanitary Cleaner. There is nothing to show that he could read what is contained in the service register or in his application form. Therefore, the contention that he had signed in the service register and therefore he knew the date of birth entered therein cannot at all be accepted.

8. The petitioner has stated in his evidence that after he was informed about his proposed retirement, he filed an appeal. That has been marked as W-1. In Exhibit W-1 we find that the petitioner had requested to change his date of birth as 30-6-1931 and allow him to retire on 30-6-89.

He had also furnished the record sheet and a certificate given by the President of the Panchayat to prove his date of birth. The record sheet which is in Telugu has been marked as Exhibit W-2, and the English version thereof has been marked as W-7. In Exhibit W-7 we find that the date of birth of the petitioner has been mentioned as 30-6-31. That is the record sheet issued to him by the school wherein he studied upto second standard. Even according to the respondent the petitioner was called upon to produce the birth register extract and the petitioner produced the same, which has been marked as Exhibit W-3. W-3 is also in Telugu and its English translation has been marked as Ex. W-8. From Ex. W-8 we find that a Male child was born to Mannepalli Chirra (yya) on 30-6-91. It was suggested to the petitioner that Exhibit W-3 (Ex. W-8) related to his younger brother and not to him. But the said suggestion was denied by the petitioner. There is nothing to show that Ex. W-3/(Ex. W-8) relates to the petitioner's younger brother. If we take into consideration the record sheet Ex. W-2 (W-7) alongwith Ex. W-3 (W-8) it will be evident that both these documents must relate only to the petitioner. Therefore, I find that the contention of the petitioner that his date of birth is 30-6-31 must be correct.

9. The next question is whether the petitioner is entitled to have his date of birth changed after the date of completion of the period of probation or expiry of 3 years from the date of entry into service. The petitioner contends that he being an illiterate he is entitled to take advantage of the Railway Board's circular dated 13-10-86 marked as Ex. W-6. From Exhibit W-6 it is clear that the representation for alteration of the date of birth from the illiterate Class-4 staff would be entertained without any time limit being stipulated for submitting such claims, and that the dead line of 31-7-73 fixed for such representations does not apply to illiterate staff. The board had directed that such representations from illiterate staff should be dealt with on the above basis. Therefore, when the petitioner had given the application W-1 to alter his date of birth, the same could not be rejected as time barred. As pointed out already, the petitioner is an illiterate and the contention of the respondent that he is not an illiterate cannot be accepted, such being the case, the respondent was not right in rejecting the application of the petitioner as belated. As pointed out already there is evidence to show that the petitioner was born on 30-6-31. Therefore, his date of birth must have been altered accordingly. Therefore, I am of the opinion that the date of birth of the petitioner should be treated as 30-6-31, and if so his date of retirement on the attainment of 58 years will be 30-6-89. So, his premature retirement from 31-5-87 is unsustainable, and is liable to be set aside. Normally, this would have resulted in an order for reinstatement with consequential benefits. But, in this case, the petitioner has attained superannuation on 30-6-89. Therefore, while setting aside the order retiring petitioner with effect from 31-5-87, the petitioner cannot be given the relief of reinstatement, but, he will be entitled to all the consequential benefits for the period from 1-6-87 to 30-6-89, as if, he had been reinstated.

10. In the result, an award is passed setting aside the order of retirement of petitioner with effect from 31-5-87, treating his date of birth as 30-6-31, and also directing the respondent to pay or give all the consequential benefits for period from 1-6-87 to 30-6-89, as if, the petitioner had been reinstated and been in service. No costs.

Dated, this the 30th day of July, 1993.

THIRU K. SAMPATHKUMARAN, Industrial Tribunal
WITNESS EXAMINED

For Workman :

W.W. 1 : Thiru M. Esalah.

For Management : None.

DOCUMENTS MARKED

For Workman

Ex. W-1/18-2-87—Letter from Petitioner-workman to the Management requesting to change his date of birth (Xerox copy).

Ex. W-2—Record sheet of the Petitioner workman (in Telugu) (Xerox copy).

Ex. W-3/23-5-87—Birth certificate of the Petitioner workman issued by Mandal Revenue Office, Kanigiri (in Telugu) (Xerox copy).

Ex. W-4—Endorsement made on the reverse of Ex. W-2

Ex. W-5/7-2-87—Birth certificate of the Petitioner-workman issued by the President, Panchayat Office, Guruvajipet ((Xerox copy).

Ex. W-6—Circular regarding alteration in the recorded date of birth (Xerox copy).

Ex. W-7—English Translation of Ex. W. 2.

Ex. W-8—English Translation of Ex. W-3.

For Management : NIL

Sd/- Illegible Industrial Tribunal

नई दिल्ली, 5 नवम्बर, 1993

का.प्र. 2564. - औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) के धारा 17 के अनुसरण में, केन्द्रिय सरकार ओ.एन.जी.सी. के प्रबंधकों के संबद्ध निर्वाजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक शांतिकरण नई दिल्ली के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-11-93 को प्राप्त हुआ था।

[एल.-30012/13/90-आई आर (विधि)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 5th November, 1993

S.O. 2564.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of O.N.G.C. and their workmen, which was received by the Central Government on 4-11-1993.

[No. L-30012/13/90-IR(Misc)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING
OFFICER : CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL : NEW DELHI

I. D. No. 74/90

In the matter of dispute between :

Shri Shahbuddin,
Son of Shri Kutubuddin,
Chanchak Benjare Wale,
Dehradun-248001.

Versus

Chairman,

O.N.G.C. (Oil & Natural Gas Commission)
Tel Bhawan,
Dehradun-248003.

APPEARANCES :

Shri R. P. Goyle—for the workman.

Shri S. S. Tomar—for the management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-30012/13/90-I.R. (Vividh) dated 7/90 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of ONGC, Dehradun in terminating the services of Shri Shahabuddin S.o Shri Kutubuddin Labourer w.e.f.

8-12-87 is justified. If not, to what relief is the workman entitled to?"

2. Shri R. P. Goyle representative for the workman made statement that he had sent repeated reminders by registered post and personally intimated the workman but workman was not coming to follow the case. He had no instructions from the workman and it appears that he was not interested to pursue the case. He further stated that the case may be treated as closed.

3. In view of this statement of the representative for the workman no dispute exist between the parties. I, therefore, pass no dispute award in this case leaving the parties to bear their own costs.

GANPATI SHARMA, Presiding Officer

28th October, 1993.

नई दिल्ली, 5 नवम्बर, 1993

का.प्र. 2565-—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ.एम.जी.सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जयपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-11-93 को प्राप्त हुआ था।

[एन-30012/26/90-आई.आर. (विधि)]

के.बी.बी. उणी, डेस्क अधिकारी

New Delhi, the 5th November, 1993

S.O. 2565.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Oil & Natural Gas Commission and their workmen, which was received by the Central Government on 4-11-93.

[No. L-30012/26/90-IR(Misc)]

K. V. B. UNNY, Desk Officer

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

पोटाधीन अधिवार्ता -- श्री अक्षरनाथ जैन, आर.एच.जे.एस. का संख्या 17/1991

जान. का पुत्र श्री अली का द्वारा राधास्थान बेक एम्प्लॉयज मैनियल परबाना भवन माधोबाग, जोधपुर। -- प्रार्थी

बन्धन

अनुराग गिरेजर शायन एण्ड नेचुरल गैस कमिशन उन्वेड विवाद नक्षानाहा, जोधपुर -- प्रार्थी

उपस्थिति --

(1) प्रार्थी मय अधिवक्ता श्री जयन्ता धाल शाह उष

(2) प्रार्थी को और से श्री एन.डी. चतुर्वेदी एक्जिक्यूट

अधिनिर्णय

दिनांक 9-2-1993

भारत सरकार के श्रम मंत्रालय में एक अधिसूचना बास्ते अधिनियम इस न्यायालय का प्राप्ति हुई जिसके द्वारा निम्न विवाद प्रेषित किया गया --

"Whether the management of Oil & Natural Gas Commission employed Shri Janu Khan S/o Shri Ali Khan as a Labour in their establishment in the

2619 GI/93—6

district of Jaisalmer (Rajasthan) for the period from October 1982 to 30th September, 1987 under his own name and also under different fictitious names and also as to whether the termination of his employment with effect from 1st October, 1987 is just and legal? If not, to what relief is the workman concerned entitled?"

2. प्रार्थी पक्ष ने अपना मांगपत्र प्रस्तुत किया जिसका प्रार्थी-पक्ष ने प्रतिउत्तर प्रस्तुत किया। उक्त प्रकरण प्रार्थी को गृहान्त हेतु काज के रूप में जायपुर में मुनिविकस था। प्रार्थी ने अपने अधिवक्ता को मांगपत्र एक प्रार्थना पत्र इस प्रकरण का गेन किया कि उक्त गैरानिर्णय के बाद माह जनवरी 1991 में राजकीय मैकण्डरी विद्यालय गांव राजमभाई जिला जैसलमेर में अध्यापक शारीरिक शिक्षा के पद पर उसे स्थायी नौकरी मिल गई है। प्रार्थी उक्त नियोजन प्राप्त हो जाने के कारण प्रार्थी इस विवाद में कोई अनुलोच नहीं चाहता है। प्रार्थी इस विवाद को जरिये "नो-डिस्प्यूट" समाप्त करना चाहता है। उक्त निवेदन किया कि इस प्रकरण में "नो-डिस्प्यूट एवार्ड" पारित कर दिया जावे। प्रार्थी की प्रार्थना के अनुसार उक्त प्रकरण में "नो-डिस्प्यूट एवार्ड" पारित किया जाना उचित होता है।

अधिनिर्णय

3. कि प्रार्थी ने पार्यतागत प्रस्तुत कर यह प्रवेद किया है कि उसे स्थायी नौकरी मिल गई है प्रार्थी इस विवाद को आगे चलाने का इच्छा नहीं है एवं यह इस प्रकरण को "नो-डिस्प्यूट" के जरिये समाप्त करना चाहता है। प्रार्थी यह अधिनियम किया जाता है कि इस प्रकरण में अब और कोई विवाद गेव नहीं रहा है। जहां यह प्रकरण "नो-डिस्प्यूट" के जरिये समाप्त किया जाता है।

4. इस अधिनियम को बास्ते सूचना एवं प्रकाशन भारत सरकार श्रम मंत्रालय को प्रेषित कर दिया जावे।

5. यह अधिनियम आज दिनांक 9-2-1993 को केम्प जोधपुर में खुले न्यायालय में हस्ताक्षर कर सुनाया गया।

शक्तिरत्न जैन, स्वायाधीन

नई दिल्ली, 2 नवम्बर, 1993

का.प्र. 2566-—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुखराड माईनिंग लेबर कोओपरेटिव सोसायटी लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण उड़ीसा भुवनेश्वर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-11-93 को प्राप्त हुआ था।

[संख्या एन.-29011/86/83-डी.-III] (B)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 2nd November, 1993

S.O. 2566.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Orissa, Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sundergarh Mining Labour Contract Co-op. Society Ltd., and their workmen, which was received by the Central Government on 1-11-93.

[No. L-29011/86/83-D, III(B)]

B. M. DAVID, Desk Officer

ANNEXURE

INDUSTRIAL TRIBUNAL : ORISSA : BHUBANESWAR

PRESENT :

Sri R. K. Dash, LL.B.,
Presiding Officer,
Industrial Tribunal,
Orissa, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 4 OF 1984 (CENTRAL)
Dated, Bhubaneswar, the 28th September, 1993

BETWEEN

The management of Sundergarh Mining Labour Contract
Co-operative Society Ltd., Contractor, Purunapani
Limestone & Dolomite Quarry of Rourkela Steel
Plant of SAIL, Purunapani.

&

The Steel Authority of India Limited,
Rourkela Steel Plant, Rourkela.
.. First Party-management.

AND

Their workmen represented through
Purunapani Mazdoor Union,
P.O. Purunapani, District Sundergarh.
.. Second Party-workmen.

APPEARANCES :

Sri D. Nayak, Advocate—For the 1st Party No. 1
(Society)

Sri J. K. Tripathy, Advocate—For the management of
Rourkela Steel Plant.

Sri L. Mohapatra, Advocate—for the second party-
workmen.

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred upon it by Section 7-A & Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) (for short 'Act') have referred the following dispute for adjudication vide their Order No. L-29011/86/83-D.III(B) dated 28th February, 1984 :—

"Whether the retrenchment of 755 workers by the management of Sundergarh Mining Labour Contract Co-operative Society Ltd., Contractor, Purunapani Limestone & Dolomite Quarry of Rourkela Steel Plant of SAIL, Purunapani with effect from 25-7-83 and non-grant of continuity of service to them for the period from 25-7-83 to 7-8-83 is justified? If not, to what relief are the workmen concerned entitled?"

2. The Rourkela Steel Plant of the Steel Authority of India Limited is a Central Government Public Undertaking. It has captive mines at Purunapani known as Purunapani Limestone & Dolomite Quarry wherefrom raw-materials are raised and transported to the consuming points of the Steel Plant. The said work of raising and transporting of raw-materials i.e., limestone are not taken-up directly by the management of Rourkela Steel Plant but through contractors. M/s. N. S. Corporation was a contractor to whom the aforesaid work had been entrusted on contract basis. These aggrieved 755 workers came to be engaged by the said contractor for executing the contract work. Since some trouble arose in 1960, the contract was determined whereupon the workers with a view to take-up the said work for execution directly, formed a society of their own in 1967 known as 'Sundergarh Mining Labour Contract Co-operative Society Ltd.' on the advice of the principal employer and got the same, registered under the Co-operative Societies Act. Since thereafter the work as aforesaid which was being carried out through M/s. N. S. Corporation was given to the society from time to time on contract basis. The work undertaken by the society at

different times was for a limited period as per the terms of contract. But before expiry of the period of contract, the principal employer without calling for fresh tender was extending the period from time to time. The workers being aware of their right raised demands to pay them wages and other benefits as are being paid to the departmental workers and also to abolish the contract system since the work is of permanent and perennial in nature. Both the principal employer and the immediate employer, namely, the Society did not pay any heed to their such demand. Rather, they with a view to get rid of the agitating workers hatched a conspiracy to terminate their services and with that end in view the principal employer instead of extending the period of contract intimated the society vide letter dated 21-3-83, Ext. 13 to make suitable arrangement for winding up its establishment after complying with the formalities as provided under law. On receipt of the said letter the society issued statutory notice u/s 25-N of the Act stating that their services would stand terminated with effect from 25-7-83. Being aggrieved by such action of their immediate employer, they with the help of their union laid protest and insisted to withdraw the retrenchment notice and allow them to work as before but their such demand did not yield any result as a consequence they gave a strike notice informing that they would go for an indefinite strike with effect from 23-7-83. However, considering the grievance, the principal employer accepted their demand and entrusted the self-same work to the society on 1-8-83 whereupon the society could be able to re-employ them from 8-8-83. So, their termination for the intervening period from 25-7-83 to 7-8-83, it is urged, was with an oblique motive to give check to their continuity of service. They have, therefore, prayed that their retrenchment for the aforesaid period being illegal and unjustified they should be deemed to be continuing in service and so, they be paid wages for the said period.

3. The case of the Society, the immediate employer in nutshell is that the society formed by the workers themselves having no independent work of its own to be provided to the workers and the mining work undertaken on contract basis from Rourkela Steel Plant having come to an end after expiry of the contract period, it had no other alternative but to retrench the workers after serving retrenchment notice and complying with other formalities as envisaged in law. Subsequently, tenders were invited for work of different descriptions by the management of Rourkela Steel Plant whereupon the society quoted rates to get the work as per the terms and conditions. Ultimately the said work was entrusted to it under a fresh contract vide order dated 1-8-83 whereafter the retrenched workers were re-employed and given work from 8-8-83. It is, therefore, urged that the society should not be blamed for retrenching its workers for the period from 25-7-83 to 7-8-83. Had the period of contract been extended after expiry, there would have no occasion or reason to terminate the services of the workers for whose benefit such society has been formed

4. Originally, Steel Authority of India Limited was not a party to the proceeding. On the application filed by the workers this Tribunal passed orders impleading the aforesaid principal employer as a party. Feeling aggrieved, the principal employer approached the Hon'ble Court in O.I.C. No. 2548 of 1987. Their Lordships while declining to interfere with the impugned order observed that if ultimately it would be found that the Steel Authority of India Ltd. has no liability in the matter the Tribunal shall pass orders accordingly. Thereafter, the management of Steel Authority of India Ltd., Rourkela Steel Plant appeared and filed written statement. While challenging the maintainability of the reference it has pleaded inter-alia that the workers involved in the proceeding are the employees of the society to which certain works had been entrusted for execution on contract basis. Before expiry of the contractual period it informed the society that it was not possible to extend the period since because there was some change in the nature of job to be executed on fresh contract. So, tenders were invited and after due consideration the society was awarded with new work. After the cessation of the earlier contract, as a matter of caution it informed the society to wind-up its establishment inside the mines premises. So, for the intervening period from the date of cessation of the earlier contract till the new contract work was put to execution it

was the responsibility of the society to find out suitable employment for its workers. If it did not do so and on the other hand terminated the services of the workers the principal employer can in no way be held responsible as because there existed no employer and employee relationship between it and the aggrieved workers.

5. In view of the pleadings of the parties, though six issues have been framed but while advancing argument they wanted that the one and the only question to be decided is whether the period of retrenchment of the aggrieved workers from 25-7-83 to 7-8-83 is legal and justified and whether they are entitled to continuity of service for the said period.

6. All the parties declined to lead any oral evidence. Both workers and their immediate employer, namely, the Society relied on certain documents which are marked exhibits on admission.

7. I shall first deal with the question as to if the principal employer can be held to have any liability in the retrenchment of the concerned workers. Admittedly, the management of Rourkela Steel Plant is the principal employer. The retrenched workers numbering 755 were the employees of the Society that retrenched them for a short period i.e. from 25-7-83 to 7-8-83, the reason being that the period of contract of the mining work had come to an end. The Contract Labour (Regulation and Abolition) Act, 1970 nowhere provides that for the act of the immediate employer in retrenching the workers the principal employer can remotely be held responsible. It has however, limited liability as envisaged in Section 20 of the said Act which provides that the facilities like canteens, rest rooms, drinking water, latrines, urinals, if not provided by the contractor within the time prescribed shall be provided by the principal employer. Apart from the liability as aforesaid the principal employer has also the responsibility to see the proper disbursement of wages to the contractors' labourers. These are the only liabilities and responsibilities of the principal employer as specified in the Statute. In view of this, I am of the opinion that the management of Rourkela Steel Plant being the principal employer can not be held liable for the act of the society in retrenching its workers for a short period in question.

8. Coming to the main issue involved in the proceeding, admittedly, the society had/had no independent work of its own to be entrusted to its workers. Since many years it has been taking-up certain mining works on contract basis from the management of Rourkela Steel Plant for execution within the time limit. In almost all the times, the period of contract having been extended by the Steel Plant Authority under intimations Exts. 3, 5 and 7 to 10, the Society had no occasion to retrench its workers. It is only for one occasion which is under reference the society retrenched the workers for a short period; the reason being that after the expiry of the period of contract it had no other work to be executed. The grievance of the aggrieved workers is that the principal employer should have extended the period of contract as had been done earlier but without doing so it created a situation which impelled the Society to put an end to their job and this was done with the sole intention to give a check to their continuity in service. On the other hand, the stand taken both by the principal employer as well as the immediate employer is otherwise. According to them, as there was change in the nature of job to be entrusted on fresh contract, instead of extending the period of contract new tenders were invited and ultimately it was the society to whom the new work was entrusted for execution. In such a situation, there was no other alternative on the part of the society but to terminate the services of the aggrieved workers after complying with the statutory requirements as envisaged in law.

9. In view of the pleadings of the parties, I am of the opinion that the society committed no illegality in retrenching the workers for a short period i.e. from 25-7-1983 to 7-8-83 since because it had no work to be performed after cessation of the contract. I, therefore, hold that the action of the society in the circumstances is legal and justified.

10. Before parting with, I may observe that it shocks to judicial conscience that after 45 years of independence the labourers are not better placed, their miseries are many and their future is uncertain. They have no security of job and they are compelled to work under the contractors with low wages. They are being treated as cheap commodities. It is, therefore, high time for the Government to take suitable steps to bring an end to the contract labour system in the public undertakings as well as the other big industrial institutions where the work performed by them is permanent and perennial in nature. In this connection, I will be failing in my duty if I do not make a reference to the observation of the Apex Court in the case of Sankar Mukherjee and others Vrs. Union of India and others, reported in A.I.R. 1990 S.C. at page 532 where it has been observed thus :—

"It is surprising that more than forty years after the independence the practice of employing labour through contractors by big companies is still being accepted as a normal feature of labour-employment. There is no security of service to the workmen and their wages are far below than that of the regular workmen of the company. This Court in Standard Vacuum Refining Co. of India Ltd., Vrs. its workmen (1960) 3 S.C.R. 466. (A.I.R. 1960 S.C. 948) and Catering Cleaners of Southern Railway Vs. Union of India (1987) 1 S.C.C. 700 : (A.I.R. 1987 S.C. 777) has disapproved the system of contract labour holding it to be 'archaic', 'primitive' and of 'baneful nature'. The system which is nothing but an improved version of bonded-labour, is sought to be abolished by the Act. The Act is an important piece of social legislation for the welfare of labourers and has to be liberally construed."

Dictated and corrected by me.

R. K. DASH, Presiding Officer

नई दिल्ली, 2 नवम्बर, 1993

का.मा.2567- औद्योगिक विवाद अधिकरण, 1947 (1947 का 14) की धारा 16 के अनुसूच में, केन्द्रीय सरकार अधिनियम संख्या 14 के प्रबंधन के संदर्भ निम्नलिखितों और उनके कर्मचारियों के बीच भूकम्प में निहित औद्योगिक विवाद में औद्योगिक अधिकरण उड़ीसा भूकम्प के पंचपट को प्रभावित करती है, जो केन्द्रीय सरकार को 1-11-93 को प्राप्त हुआ था।

[एन-29011/34/89-आई. प्रार. (विविध)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 2nd November, 1993

S.O. 2567.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Orissa, Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Indian Rare Earths Ltd. (OSCOM) and their workmen, which was received by the Central Government on 1-11-1993.

[No. L-29011/34/89-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR
PRESENT :

Sri R. K. Dash, LL.B.,

Presiding Officer,
Industrial Tribunal,

Orissa, Bhubaneswar.

Industrial Dispute case No. 6 of 1990 (Central)
Bhubaneswar, the 16th October, 1993

BETWEEN

The management of OSCOM, Indian Rare Earth Ltd.,
Chhatrapur (Orissa) First Party-management.

AND

Their workmen represented through Rare Earths Employees' Union, OSCOM, Mattikhalo-761045, Orissa
Second party-workmen.

APPEARANCES

Sri S. K. Patra, Asst. Manager (Pers.)—First party-management.

Sri A. K. Choudhury, General Secretary of the Union—Second party-workmen.

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred upon it by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) (for short 'Act') have referred the following dispute for adjudication vide their Order No. L-29011/34/89-IR (Misc.) dated 22-2-90 :—

Whether the action of the management in not releasing the balance wages (i.e., salary minus subsistence allowance) for the period of suspension to 33 suspended employees whose suspension orders were revoked subsequently pending conclusion of the disciplinary proceedings is justified? If not, to what relief these 33 employees are entitled to?

2. Shortly put, the case of the workmen is that on 8-6-88 some disturbance arose in between the members of two unions, namely, Rare Earth Employees' Union and OSCOM Employees Union in front of the main gate of the Indian Rare Earth Ltd., Chhatrapur, Ganjam as a consequence the management suspended the present 33 aggrieved workmen of whom some are office bearers of the Rare Earth Employees Union. This action of the management, it is urged, is illegal and unjustified as because the provisions embodied in Clause-22(b) of the Standing Orders which have the statutory force had not been complied with, in as much as, the said clause provided that when the disciplinary proceeding against a workman is contemplated or is pending or where a criminal proceeding against him is under investigation or trial and the employer is satisfied that it is necessary and desirable to place the said workman under suspension, then in that case he may by an order in writing suspend him from the day specified in the order and while doing so he shall mention the details of the reason of suspension and supply a copy thereof to the workman within a week from the date of suspension. But in the case on hand, it is alleged, the suspension order was passed on 13/17-6-88 and a copy thereof was supplied to the workmen on 28-6-88 i.e., more than a week after passing of the suspension order. Subsequently, the management revoked the suspension order on 16-8-88 although the standing order did not provide anything for such revocation and after revoking the same unilaterally and unconditionally, it did not pay the wages for the whole period of suspension. They have, therefore, urged upon the management to make payment of their wages for the suspension period excluding the subsistence allowance already paid as because the suspension order passed against them has since been revoked.

3. The case of the management on the other hand is that because of strained relationship between the members of two unions functioning in the industry, there arose a serious disturbance on 8-6-88, in as much as, the workmen in course of their duty left their place of work and indulged in free fighting as a result some of the workers sustained severe injuries. Such conduct of the erring workmen being "misconduct" as provided in the certified Standing Orders the management having decided to initiate disciplinary proceeding placed them under suspension. In due course, disciplinary proceedings were although initiated against 39 workmen but hearing could not be completed within reasonable time due to certain unavoidable circumstance. So, the management withdrew suspension order on 17-8-88 whereafter the concerned workmen are attending to their duty as before. When disciplinary proceedings are yet to reach its finality the workmen involved are not legally entitled to claim their wages for the suspension period. If, however, the result of the enquiry goes in their favour they will be

paid back their dues minus the subsistence allowance already paid to them.

4 From the pleadings of the parties, the only question to be decided is as to whether the workmen are entitled to their wages for the suspension period though the disciplinary proceedings initiated against them have not reached their finality.

5. Both parties examined one witness each. M.W.1 has given out in detail that as there happened a free-fight between two groups of workers on 8-6-88 the management initiated disciplinary proceeding and put the erring workmen under suspension and paid them subsistence allowance. Against 30 suspended workmen charge sheets were laid followed by domestic enquiry. Of them 14 on being exonerated from the charge have been paid all their wages. Out of the remaining, four were found guilty and were awarded minor punishments. Against the remaining workmen enquiries are still pending for adjudication. This evidence of his has not been challenged at all by the workmen.

The sole contention of the aggrieved workmen is that they are entitled to wages for the whole period of suspension since their suspension order has been revoked. To justify their such contention, it is necessary to make a reference to the Certified Standing Orders applicable to the parties.

Clause-21 of the Standing Orders enumerates various penalties to be imposed on a workman for his 'misconduct'. Clause-22 prescribes the procedure for dealing with a disciplinary proceeding initiated against a charged employee. According to the proviso to clause (b) of the aforesaid provision, if a workman concerned is imposed punishment as provided under clause-21 he shall not be entitled to any wages or privileges for the whole period of suspension. This being the clear provision and when proceedings are still pending against some of the workmen as borne out from the evidence of M.W.1, it would not be legal and proper to ask the management to pay the wages to the workmen for the suspension period since because suspension order has been revoked pending enquiry.

6. In view of my discussions made above, I hold that the management's action in not making payment of wages for the suspension period to those suspended workmen against whom disciplinary proceedings are still pending is not illegal and unjustified.

7. The reference is thus answered accordingly. Dictated and corrected by me.

R. K DASH, Presiding Officer, Industrial Tribunal

नई दिल्ली, 2 नवम्बर, 1993

का.प्र. 2568—औद्योगिक विवाद अधिनियम, 1947 (1947 की 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, संसद द्वारा पञ्जाब के प्रबंधन के संबद्ध निरीक्षकों और उनके कर्मचारियों के बीच, अनुसूच में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिवक्ता कम बेबर कोर्ट नं. 1 बम्बई, के पंचद को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-11-93 को प्राप्त हुआ था।

[एन-31011/12/90-आई आर (विधि)]

बी.एम. डेविड, डैस्क अधिकारी

New Delhi, the 2nd November, 1993

S.O. 2568.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 1 Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Bhatia Agencies and their workmen, which was received by the Central Government on 1-11-93.

[No. L-31011/12/90-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

New Delhi, the 2nd November, 1993

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar, Presiding Officer.

Reference No. CGIT-69 of 1990

PARTIES :

Employers in relation to the management of M/s Bhatia Agencies, Bombay

AND

Their workmen.

APPEARANCES :

For the Management—Shri Patil, Advocate.

For the Workman—Shri Wagh, Advocate

INDUSTRY : Ports & Docks STATE : Maharashtra
Bombay, dated the 5th day of October, 1993

AWARD

The following reference has been made to this Tribunal under section 10(1)(d) of the Industrial Disputes Act, 1947 :

"Whether the management of M/s. Bhatia Agencies, a Custom House, Clearing and Forwarding Agent operating at Major Port of Bombay is justified in denying the permanency and the benefit of wage Settlement reached between Custom House Agents Association and the F & D.W. Union to 14 workmen viz.

- S/Shri 1. Sakhadeo Bala Shinde,
2. Popat B. Chalke,
3. Tukaram B. Shinde,
4. Bhausaheb T. Shinde,
5. Bhausaheb N. Shinde,
6. A. V. Shinde,
7. Sambhaji M. Shinde,
8. Rasid Ashok Pathan,
9. Dedabhan Bhosale,
10. Rangnath T. Ahere,
11. Bhaskar K. Wavre,
12. Shaokar M. Shinde,
13. T. B. Nikam,
14. Shankar B. Shinde.

If not, to what relief are the workmen entitled to?"

2. The statement of claim has been filed that it is the case of the employees that their demand of fourteen employees for making them permanent and giving them other benefits available to the permanent employees was not met. On behalf of the management written statement has been filed.

3. When the reference came up for hearing today before me, Mr. Wagh, Advocate appearing for the union stated that the union does not wish to press the claim and pursue the reference and in the circumstances the reference is disposed off and award accordingly.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 2 नवम्बर, 1993

का.प्र. 2569—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मे. रैण कोल-फोल्ड्स लिमिटेड. की रेलोरोरा कोलियरी के प्रबंधन के संबंध निर्धारकों और उनके कर्मचारियों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-11-93 को प्राप्त हुआ था।

[संख्या एन-12011/33/92-आई आर (बी-3)]

एन.एन.के. राय, डेस्क अधिकारी

S.O. 2569.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on the 01-11-1993.

[L-12011/33/92-IR(B-3)]
S. S. K. RAO, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 27/93

In the matter of dispute between :

Shri Bharat Bhushan Vij, C. D. Chawla and Mrs. Mahesh Ranjan through Upmahasachiv, State Bank of India Staff Association, E-314, Greater Kailash-I, New Delhi-110048.

Versus

Personnel Manager, State Bank of India, 11, Sansad Marg, New Delhi.

APPEARANCES : None.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12011/33/82-I.R. (B-3) dated 12-3-93 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of State Bank of India, New Delhi, in transferring S/Shri Bharat Bhushan Vij, C. D. Chawla and Mrs. Mahesh Ranjan though they refused promotion is justified? If not, to what relief they are entitled to?"

2. Notice was sent to the workman by registered post twice and he was served but he did not appear on 21-6-93, 16-8-93 and 5-10-93. It appears that he was not interested in pursuing this case as he had not appeared inspite of service by registered notice. I, therefore, pass a no dispute award in this case leaving the parties to bear their own costs.

GANPATI SHARMA, Presiding Officer
11th October, 1993.

नई दिल्ली, 3 नवम्बर, 1993

का.प्र. 2579—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मे. रैण कोल-फोल्ड्स लिमिटेड. की रेलोरोरा कोलियरी के प्रबंधन के संबंध निर्धारकों और उनके कर्मचारियों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2) अनुवाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-11-93 को प्राप्त हुआ था।

[सं.एन. 24012(186)/86-डी-4(बी)आईआर (बी-1)]

हरिश गाँड़, डेस्क अधिकारी

New Delhi, the 3rd November, 1993

S.O. 2570.—In pursuance of Section 33C(2) of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. II) Dhanbad as shown in the Annexure in the management of Rehgara Colliery of M/s. C.C.L. and their workmen which was received by the Central Government on 2-11-93.

[No. L-24012(186)/86-DIV(B)/IR(C-1)]

HARISH GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947
Reference No. 165 of 1987

PARTIES :

Employers in relation to the management of Religara Colliery of M/s. C.C. Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen—None

On behalf of the employers—Shri R. S. Murthy, Advocate.

STATE : Bihar, INDUSTRY : Coal.
Dated, Dhanbad, the 22nd October, 1993

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012(186)/86-D.IV(B), dated, the 24th June, 1987.

SCHEDULE

"Whether the action of the management of Religara Colliery of M/s. C.C. Ltd., P.O. Religara, Dist. Hazaribagh in terminating the services of Shri Nakul Polai, Wagon Loader whose date of birth as per Provident Fund records is 12-9-46 is legal and justified? If not, to what relief the concerned workman is entitled?"

2 This reference is pending since 1987 for filing W.S. but no W.S. was filed by and on behalf of the union. I further find that several notices were sent to the parties but none appeared on behalf of the workman. Since the case is quite old, A 'No dispute' Award is passed.

B. RAM, Presiding Officer

नई दिल्ली, 3 नवम्बर, 1993

का.प्रा.2571—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में, भारत कोकिंग कोल लिमिटेड के सुहामडीह कोल वाशरी प्रोजेक्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2) धनबाद के पंचपट को प्रकाशित करती है, जो कि केन्द्रीय सरकार को 2-11-93 को प्राप्त हुआ था।

[सं. एल.-20012(21/86-डी-3(ए)/आई मार (कोल-I)]

हरिश गौर, डेस्क अधिकारी

New Delhi, the 3rd November, 1993

S.O. 2571.—In pursuance of Section 33C(2) of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. II) Dhanbad as shown in the Annexure in the management of Sudamdih Coal Washery Project of M/s. B.C.C.L. and their workmen which was received by the Central Government on 2-11-93.

[No. L-20012/86-D-III(A)/IR(C-I)]

HARISH GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 200 OF 1986

Employers in relation to the management of Sudamdih Coal Washery Project of Messrs. Bharat Coking Coal Limited and their workmen.

APPEARANCES:

On behalf of the workmen : None.

On behalf of the employers : Shri R. S. Murthy, Advocate.

STATE : Bihar. INDUSTRY : Coal.
Dated, Dhanbad, the 26th October, 1993

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(21/86-D.III (A), dated, the 1986.

SCHEDULE

"Whether the demand of Janta Mazdoor Sangh that the management of Sudamdih Coal Washery Project of M/s. Bharat Coking Coal Limited should give their workmen, mentioned below, the benefit of fixation of higher pay in Category-II is justified? If so, to what relief are these workmen entitled?"

1. This reference is pending since the year 1986. It appears that the parties appeared and filed W.S. long ago. After that the matter was kept for hearing. But I find that seldom anybody appeared on behalf of the workmen. After such a long time the learned counsel for the management filed a petition for passing 'No dispute' Award on the ground that the workmen are not taking any interest in the case.

2 From the schedule of the reference I find that the Janta Mazdoor Sangh had demanded the benefit of fixation of higher pay in Cat. II in respect of their workmen of Sudamdih Coal Washery. The record further reveals that several times notices were also issued but none appeared for the workmen. In the circumstances a 'No dispute' Award is passed.

B. RAM, Presiding Officer

नई दिल्ली, 3 नवम्बर, 1993

का.प्रा.2572—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में, भारत कोकिंग कोल लिमिटेड के सुहामडीह वाशरी प्रोजेक्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2) धनबाद के पंचपट को प्रकाशित करती है, जो कि केन्द्रीय सरकार को 2-11-93 को प्राप्त हुआ था।

[सं. एल.-20012(335)/85-डी-3(ए)/आई मार (कोल I)]

हरिश गौर, डेस्क अधिकारी

New Delhi, the 3rd November, 1993

S.O. 2572.—In pursuance of Section 33C(2) of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. II), Dhanbad as shown in the Annexure in the

management of Sudamdin Shaft Mine of M/s. B.C.C.L. and their workmen which was received by the Central Government on 2-11-93.

[No. L-20012(335)/85-D-III(A)/IR(C-I)]

HARISH GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 285 OF 1986

PARTIES :

Employers in relation to the management of Sudamdih Shaft Mine of Messrs. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen : None.

On behalf of the employers : Shri R. S. Murthy, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 22nd October, 1993

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(335)/85-D-III(A), dated, the 12th August, 1988.

SCHEDULE

"Whether the action of the management of Sudamdih Shaft Mine of M/s. Bharat Coking Coal Limited in terminating the lien of their workmen, Shri Bhriyu Yadav and Kishore Harijan on their regular jobs and placing them in the badli list is justified. If not to what relief are these workmen entitled?"

2. This reference is pending since 1986 but I find that nobody appeared on behalf of the workmen nor any W.S. was filed on his behalf inspite of the notices issued upon the union. As per schedule of the reference the action of the management of the Sudamdih Shaft Mines of M/s. BCCL was challenged in terminating the lien of their workmen namely Shri Bhriyu Yadav and Kishore Harijan on their regular job. The learned counsel for the management on the other hand has been putting appeared and on 19-7-93 he filed a petition for passing a 'No dispute' Award since the workmen were not taking any interest in the case. In the circumstances of the case 'No dispute' Award is passed.

B. RAM, Presiding Officer

नई दिल्ली, 3 नवम्बर, 1993

का.धा. 2573--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में भारत नॉर्किंग कोल लिमि. का इन्डस्ट्री कोलियरी के प्रबंधन के संबंध नियोजकों और उनके कामगारों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2) धनबाद के पंचपद को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-11-93 को प्राप्त हुआ था।

[सं. एल.-20012/304/86-डी-3(ए)/आर्डीआर(कोल 1)]

हरीश गौर, डेस्क अधिकारी

New Delhi, the 3rd November, 1993

S.O. 2573.—In pursuance of Section 33C (2) of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. II) Dhanbad as shown in the Annexure in the management of Industry Colliery of M/s. B.C.C.L. and their workmen which was received by the Central Government on 2-11-93.

[No. L-20012/304/86-D-III(A)/IR(C-I)]

HARISH GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 180 OF 1987

PARTIES :

Employers in relation to the management of Industry Colliery of M/s. Bharat Coking Coal Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen : None.

On behalf of the employers : None.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 22nd October, 1993

AWARD

The Govt. of India Ministry of Labour in exercise of the powers conferred on them under Section 10 (1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(304)/86-D-III(A) dt. the 2nd July, 1987.

SCHEDULE

"Whether the demand of Janta Mazdoor Sangh for recategorisation of Shri Samsul Mian, Explosive Carrier of Industry Colliery of Kusunda Area of Messrs. Bharat Coking Coal Limited, as Driller in Category-IV is justified? If yes, to what relief the workman is entitled?"

2. This reference is pending since 1987 but No. W.S. was filed by and on behalf of the workmen.

The record reveals that notices were also issued several times but none appeared on behalf of the workmen. Of course one Shri B. N. Prasad has been putting his appearance on behalf of the management. As per schedule of the reference it was for the union to take up the matter first. Since no step has been taken on behalf of the workmen a 'No dispute' Award is passed.

B. RAM, Presiding Officer

नई दिल्ली, 4 नवम्बर, 1993

अ.स. 2574—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ने, नैट्रस कोल फील्ड्स लिमि. के प्रबंधन के संबंध में निम्नलिखित और उनके कामगारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (नं. 2) धनबाद के पंचपट को प्रस्तुत किया है, जो केन्द्रीय सरकार को 3-11-93 को प्राप्त हुआ था।

[नं. एन-20012(129)/91-आईआर(कोल I)]

हरीश गौर, डेस्क अधिकारी

New Delhi, the 4th November, 1993

S.O. 2574.—In pursuance of Section 33-C (2) of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. II) Dhanbad as shown in the Annexure in the management of M/s. Central Coalfield Ltd. and their workmen which was received by the Central Government on 3-11-1993.

[No. L-20012(129)/91-IR(C-I)]

HARISH GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 150 of 1991

PARTIES :

Employers in relation to the management of M/s. Central Coalfields Limited and their workmen.

APPEARANCES :

On behalf of the workmen : Shri D. Mukherjee,
Secretary,
Bihar Colliery Kamgar Union.

On behalf of the employers : Shri R. S. Murthy,
Advocate.

STATE : Bihar. INDUSTRY : Coal.

Dated, Dhanbad, the 28th October, 1993

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(129)/91-I.R. (Coal-1) dated, the Nil.

SCHEDULE

"Whether the action of the management of Gidi Washery of Central Coalfields Ltd. in denying departmentalisation to S/Shri Anil Kumar Singh and 15 others when the work is of permanent nature, is legal and justified ? If not, to what relief the concerned workmen are entitled ?"

2. As per schedule of the reference the action of the management of Gidi Washery of CCL has been challenged in not departmentalising/regularising Shri Anil Kumar Singh and 14 others.

3. The concerned workmen claim to have been working at Gidi Washery since long in permanent nature of job. They have been working under the direct control and supervision of the management. According to them they have been doing the job of maintenance, repairing of various machines which are directly connected with the operation and production of washed coal. The said work as contended by the concerned workmen, are very essential for running the washery and production of washed coal. It was stated that non-maintaining and non-repairing of the machines will result into closure of the washery. The implements for execution of the job is also supplied by the management. The concerned workmen represented their case before the management for their regularisation and for the wages as per NCWA but they were not heard. The union raised industrial dispute giving rise to the present reference. It has been prayed for regularisation with full back wages.

4. The management denied the relationship of employer and employee between the concerned workmen and the management. It was stated that the management never appointed any of the concerned workmen and they were labours of contractors. It was submitted that the management awarded piece engineering job to the contractors for execution which was not permanent and continuous in nature. The management does not require any permanent work force for the execution of such temporary work. According to the management the concerned workmen are men of contractors and it was for the contractor to employ them or to remove them. The wages are also paid by the contractors. The management stated that they were not under the control and supervision of the management and the instruments for execution of the job are supplied by the contractors themselves. Accordingly it has been prayed that the union has got no case and the concerned workmen are not entitled to any relief.

5. The question for consideration would be as to whether the concerned workmen are entitled for departmentalisation with full back wages ?

6. The terms of reference pre-supposes that the work done by the concerned workmen were perma-

nent in nature. In the W.S. the management has taken a plea that Contract Labour (Regulation and Abolition) Act, 1970 prohibits engagement of contractor by industrial establishment and execution of job by them through contract labour only in case of job notified for prohibition under Section 10 of the Act. It was stated that the Central Govt. had not issued any notification prohibiting contract system in the job entrusted to the contractors. It is the consistent case of the management that certain misc. engineering jobs were awarded to the contractor for execution. The contractors in turn used to get work done through their labours. In other words the management wanted to say that the concerned workmen are contract labour who have been doing temporary nature of job. The job description has been mentioned under Ext. M1 to M-5 which are sanction order and the work order. Ext. M-1 and M-11 are sanction orders dt. 23-10-92 and 23-4-93 respectively. These sanction orders contain enclosures namely tender committee recommendation for sanction of certain amount. Actually the tender committee consisting of Sr. Executive Engineer, Finance Manager and Dy. Chief Engineer all of Gidi Washery recommended and requested the Addl. General Manager, Gidi Washery to accord sanction of the amount so that the misc. engineering jobs to be executed. The jobs have been noted as fabrication, erection, installation and modification of 206 BI conveyor at Gidi Washery. It has been clearly stated that to avoid down time to sustain plant production the Addl. General Manager, Gidi Washery is requested to accord his sanction. The words to sustain plant production is very conspicuous. This means the sanction is required so that the production of plants be sustained by execution of the said misc. engineering job. Undisputably the production of plant is washed coal. These two documents are speaking very loudly that non-execution of the job would affect adversely the production of the plant. So it will be simply wrong to suggest that the aforesaid job so called misc. engineering is of temporary nature.

7. Ext. M-2 and M-3 are the work orders given to one M/s. Fabco Engineering. The same nature of job including fabrication and erection of plain pipe and bend pipe various type plus of other engineering works have been mentioned. At this stage I would like to refer certain statement of the union as contained in its W.S. It is stated that a similar nature of dispute of Kathara and Swang Washery was referred to the Central Govt. Industrial Tribunal No. 2, Dhanbad vide Ref. No. 122/87 and the same was settled by the management and joint compromise petition was filed in the Court. The entire file of Ref. No. 122/87 has been filed and marked Ext. W-1. There also the workmen had demanded departmentalisation and the management had taken similar plea that the workmen were doing certain misc. job of temporary nature and they were contractor labour. The jobs were entrusted to the contractors for execution and those contractors in turn used to engage their own men for the purpose. The document also show job description of the previous reference. It states about the replacement of M.S. Pipe, fabrication of bends fixation of valve, dismantling of old flages etc. Thus it was submitted by the learned counsel of the workmen that the same and similar type of work was done by the

workmen of Ref. No. 122/87. The management through compromise regularised those workers of Kathara and Swang Washery. It was submitted that the management in the circumstances, cannot be permitted to take a different stand in the present reference. The contention raised by the learned counsel has got much force.

8. The nature of work whether it is a permanent or temporary has to be determined by its duration. Shri D. K. Saha, the Dy. Chief Engineer while deposing as MW-1 stated that the job to be executed by the contractor varied as per dimension of the work and that may take one or few days more. By adducing such evidence the management wanted to impress upon that the alleged misc. job was purely temporary to be completed within a day or two. It may be mentioned that the importance of work has been well spelt in Ext. M-1 series. The duration of work can also be judged from Ext. M-4 which is the details of temporary work done by M/s. Fabco Engineering for the year 1988-1989 at Gidi Washery. The documents show that different types of work continued for several days say for more than 15 days in a month. The workmen have proved wagesheets Ext. W-2 for the month of December, 1992 showing the days of work employed by the concerned workmen. This shows that the concerned workmen worked everyday in the month of December, 1992. Few other wagesheets for different months were produced by the management which are Ext. M-6. The number of days employed in January, 1993 and February, 1993 and March, 1993 show that the concerned workmen had worked almost everyday. No other wagesheet have been filed. If filed that would have definitely shown that the concerned workmen worked for more than 240 days in a calendar year. Of course it was for the management to produce the wagesheets to refute claim of the workmen. Its non production will lead to an inference that the concerned workmen had worked sufficient days in a year. Apart from that few wagesheets as filed by the management are sufficient to show that the concerned workmen actually worked for more than 240 days in a calendar year.

9. MW-1 has stated that misc. job as detailed under Ext. M-2 and M-3 and M-4 series are performed by the concerned workmen within the precinct and premises of the Gidi Washery. He had an occasion to work in the washery since September, 1981 to January, 1993. He has been looking the said job being done since the day of his engagement in the Washery. Lastly he has stated that if the work as given out under exhibits are not done the function of the washery will be stopped. This one statement of highly responsible officer who worked in the washery for more than 10 years, is sufficient enough to determine the importance and continuity of the work. The management says that it has got no relationship of employer and employee between the concerned workman and the management and the concerned workmen are not the workmen of the management. By referring to Ext. M-7 it was urged that they were contract labour. Let us assume for the sake of argument that they were engaged by the contractors. Then in the circumstances of the case and important of work can the concerned workmen be called con-

tract labour ? The answer must go in negative. The permanent and regular type of work are to be classified as perennial nature of job which are never to be done by the contractor labour. If at all it is done by the labour engaged by the contractor even then they under the law will be deemed to be the workmen of the management.

10. Shri Ramadhar Singh one of the concerned workman has been examined as WW-1. He deposed on behalf of all the concerned workmen and according to him they have been doing eight hours duty in a day. The implements are also provided by the management and this fact finds support from Ext. M-2. At the bottom under caption "Terms and conditions" it has been stated that Gas tools and tackles be supplied departmentally free of cost. Of course some implements were to be arranged by the contractors but it was not that they were solely to supply the same. The witness has stated the case of the workmen and demanded regularisation. In cross-examination it has been suggested that only those workers of the Kathara Washery and Swan Washery were regularised who were working as Pipe fitters. However, the witness has denied the suggestion. Under Ext. M-2/2, M-3 and M-4 the particulars of work have been noted. Under Ext. M-2/2 as Sl. No. 5 the work has been shown as flying work and slurry pond pipe line in Section No. 09 under Ext. M-3 at Sl. No. 1(a) the work has been described as replacement of plan pipe of 300" MM dia 10 MM thickness. Similarly under Sl. No. 2 the work is replacement of pipe bends. Under Ext. M-4 the nature of work apart from other type of work have been shown as installation of 150 MM dia pipe, fabrication and erection of pipe line. They are all pipe fitting work which the concerned workmen worked for days together and in this view of the matter the suggestion put to the witness has got no force. As per work order the concerned workman had been doing various types of work including the work of pipe fitting. They have been doing it for more than 10 years and prima facie there can be no earthly reason as to why their case for regularisation be not considered specially when other workmen doing similar nature of work in Ref. No. 122/87 have already been regularised by the management and given their dues.

11. Ext. M-5 series are C.M.P.F. contribution of individual concerned workman which were transmitted to the Project Officer by the concerned contractor. This by itself does not qualify that C.M.F. contribution of individual workman was paid by the contractor. Naturally individual workman could not have sent to the authority of the management for its onwards transmission to the C.M.P.F. authority. In

this connection reference may be made to Ex. W-3 services by which the C.M.P.F. Forms HHA and Form A with respect to the concerned workmen were submitted to the Regional Commissioner, C.M.P.F. Office, Ranchi under the signature of the Manager of Coal Mines. Each form detailing particulars of the each concerned workman including the particulars of the family has been signed by the Manager of the Mine. It matters little whether the C.M.P.F. amount was deposited by the individual workman or by the contractor. The question was that the C.M.P.F. amount was deposited to the full knowledge and under the signature of the Coal Mines Authority. Even supposing for the sake of argument that this contribution was deposited by the contractor on behalf of the workmen still it has got little to do so far as the question of regularisation is concerned.

12. I have examined various aspects of the matter and on the basis of the discussions made above I am to hold that the concerned workman are entitled for their departmentalisation and payment of wages as per NCWA. The management is thus directed to departmentalise/regularise the concerned workman and to pay them wages and other emoluments as per NCWA within two months from the date of publication of the Award. The order will have no retrospective effect. In the circumstances of the case I am not inclined to give any back wages.

B. RAM, Presiding Officer

LIST OF WORKMEN

Sl. No.	Name	Designation
1.	Shri Anil Kumar Singh	Fitter
2.	„ Kamlesh Jha	Welder
3.	„ Ramadhar Singh	Welder
4.	„ Krishna Sharma	Mazdoor
5.	„ Mahadeb Mahato	-do-
6.	„ Jamuna Pandit	-do-
7.	„ Uday Prasad	-do-
8.	„ Shlb Shankar Yadav	-do-
9.	„ Khrodhi Bhuia	-do-
10.	„ Ram Prasad	-do-
11.	„ Hardwar Singh	-do-
12.	„ Arjun Sharma	-do-
13.	„ Manki Prasad	-do-
14.	„ Chhotu Prasad	-do-
15.	„ Kapildeo Singh	-do-

B. RAM, Presiding Officer.

स्वास्थ्य और परिवार कल्याण मंत्रालय

नई दिल्ली 11 नवम्बर, 1993

का. अ. 2575-केन्द्रीय सरकार, होम्योपैथी केन्द्रीय परिषद अधिनियम, 1973 (1973 का. 59) की धारा 13 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए होम्योपैथी की केन्द्रीय परिषद से परामर्श करती के पश्चात् उक्त अधिनियम की द्वितीय अनुसूची में निम्नलिखित और संशोधन करी है अर्थात्:—

उक्त अनुसूची में "गुजरात" शीर्षक के नीचे क्रम संख्यांक 5 का और उससे संबंधित प्रविष्टियों के पश्चात् निम्नलिखित क्रम संख्यांक और प्रविष्टियाँ रखी जायेंगी अर्थात्:—

1	2	3	4
"5B. सरदार पटेल विश्वविद्यालय	Bachelor in Homoeopathic	बी.एच.एम.एस.	1991 से 1993 तक।"

(क) आनंद होम्योपैथी मेडिकल एंड सर्जरी

मेडिकल कॉलेज,

आनंद

पाद टिप्पण:— मूल अधिसूचना भारत के राजपत्र अधिसूचना भाग II खंड 1 में का. अ. 76 तारीख 20 सितम्बर, 1973 द्वारा प्रकाशित की गयी थी और बाद में उसका निम्नलिखित द्वारा संशोधन और भारत के राजपत्र भाग II खंड 3, उपखंड (ii) में प्रकाशित किया गया।

1. का. अ. 3325, तारीख 4-11-1978
2. का. अ. 1517, तारीख 26-2-1983
3. का. अ. 1481, तारीख 12-3-1983
4. का. अ. 3099, तारीख 21-6-1985
5. का. अ. 2048, तारीख 24-3-1986
6. का. अ. 2270, तारीख 24-5-1986
7. का. अ. 2449, तारीख 1-8-1990
8. का. अ. 2502, तारीख 21-8-1990
9. का. अ. 710, तारीख 20-2-1992
10. का. अ. 891, तारीख 5-3-1992
11. का. अ. 1210, तारीख 23-4-1992
12. का. अ. 978, तारीख 28-4-1993

[सं. बी. 27021/12/88-होम्यो.]

बी.सी. मेहता, डैस्क अधिकारी

MINISTRY OF HEALTH & FAMILY WELFARE

New Delhi, the 11th November, 1993

S.O. 2575.—In exercise of the powers conferred by sub-section (2) of Section 13 of the Homoeopathy Central Council Act, 1973 (59 of 1973), the Central Government, after consulting the Central Council of Homoeopathy, hereby makes the following further amendment in the Second Schedule to the said Act, namely:—

In the said Schedule, under the head 'Gujarat' after s.ial number 5A and the entries relating thereto, the following serial number and entries shall be inserted, namely:—

1	2	3	4
"5B. Sardar Patel University (a) Anand Homoeopathic Medical College, Arund"	Bachelor in Homoeopathic Medicine and Surgery.	B.H.M.S.	From 1991 to 1993".

Foot Note:—

The Principal Notification was published in No. S.O. 76 dated the 20th December, 1973 in Gazetted of India Extraordinary Part II Section I and subsequently amended vide

- S.O. 3325 dated 4-11-1978,
S.O. 1517 dated 26-2-1983,
S.O. 1481 dated 12-3-1983,
S.O. 3099 dated 21-6-1985,
S.O. 2048 dated 24-3-1986,
S.O. 2270 dated 24-5-1986,
S.O. 2449 dated 1-8-1990,
S.O. 2501 dated 1-8-1990,
S.O. 2502 dated 21-8-1990,
S.O. 710 dated 20-2-1992,
S.O. 891 dated 5-3-1992,
S.O. 1210 dated 23-4-1992, and
S.O. 978 dated 28-4-1993,

published in the Gazette of India part II, Section 3, Sub-Section (ii).

[No. V. 27021/12/88-Homoeop]
B.C. MEHTA, Desk Office

विद्युत् मंत्रालय

नई दिल्ली, 18, नवम्बर, 1993

का. अ. 2576.—सार्वजनिक परिसर (अप्राधिकृत अधिभोगियों की बैदखली (अधिनियम, 1971,) (1971 का 40) की धारा 3 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा नीचे दी गई तालिका के कालम (1) में उल्लिखित एक सार्वजनिक प्राधिकरण के अधिकारी जो भारत सरकार के राजपत्रित अधिकारी के समकक्ष है, को उक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करते हैं। ये उक्त तालिका के कालम (2) में उल्लिखित परिसर के सम्बन्ध में उक्त अधिनियम द्वारा अथवा उसके अधीन सम्पदा अधिकारी को प्रदत्त शक्तियों का उपयोग करेगा और उसे सौंपे गए कर्तव्यों को पूरा करेगा।

तालिका

अधिकारी का नाम व पद नाम सार्वजनिक परिसर की श्रेणी तथा क्षेत्राधिकारों की स्थानीय सीमा

श्री शेर सिंह, उप निदेशक, दिल्ली, नई दिल्ली की नगर-रूरल इलैक्ट्रीफिकेशन कारपोरेशन लिमिटेड, पालिका की सीमाओं के भीतर डी डी ए बिल्डिंग, नेहरू प्लेस, रूरल इलैक्ट्रीफिकेशन कारपोरेशन लिमिटेड द्वारा अथवा की ओर से उसके स्वामित्व वाले अथवा लीज पर लिए गए अथवा अधिग्रहण वाले सभी परिसर

[फाइल सं. 46/13/93-डी (आई)]
दोषाजी खन्ना, निदेशक

MINISTRY OF POWER

New Delhi, the 18th November, 1993

S.O. 2576.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the table below, being officer of a statutory authority, equivalent in rank to a gazetted officer of government, to be estate officer for the purposes of the said Act, who shall exercise of the powers conferred and perform the duties imposed on estate officer, by or under the said Act, in respect of the premises specified in column (2) of the said table.

TABLE

Name and Designation of the officer	Categories of Public Premises and local limits of jurisdiction
1	2
Shri Sher Singh Deputy Director Rural Electrification Corporation Limited, Delhi Development Authority Building Nehru Place New Delhi.	Premises belonging to or taken or lease or requisition by or on behalf of the Rural Electrification Corporation Limited within the Municipal limits of Delhi/New Delhi

[F. No. 46/13/93-D(RE)]

DIPALI KHANNA, Director